

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JO ANN FONZONE AKA JUDY MC GRATH  
PLAINTIFF

12-5726

CIVIL ACTION  
JURY TRIAL DEMANDED

VS.

REC'D JUN 14 2022

JOE OERI, ET AL,  
DEFENDANTS

PLAINTIFF'S MOTION TO VACATE ORDER OF DISMISSAL OF CIVIL RIGHTS  
PERSONAL INJURY ACTION

Plaintiff Jo Ann Fonzone, Esquire, by and through her attorney, hereby moves this Court to

Reconsider or vacate its Order of April 22, 2022 dismissing this action and in support thereof avers:  
I. FACTS.

1. In compliance with Magistrate's Order of April 4, 2022, Plaintiff filed her Reply to defendant's response to dismiss for failure to prosecute timely April 18, 2022, Plaintiff received the order of April 4, 2022 BECAUSE it was mailed to her by U.S. Mail as was ordered by the court for orders to be sent to Plaintiff by U.S. mail due to problems with receiving orders by electronic mail, with more than 800,000, they do not all get read or go through the IP. Further, several times the magistrate's clerk Ms. Arin Hanlon told Plaintiff the court did not receive some filings by electronic mail so Plaintiff had to either file by U.S. Mail or in person at the local Federal court clerk's office.
2. Plaintiff received the Order of April 22, 2022 on May 31, 2022 when she went to the local Federal court to file item 3. of the magistrate's pre Trial Order, Trial Exhibit notebook. In the clerk's office, Plaintiff was given a copy of the April 22, 2022 Order by Ms. Renner dismissing her civil rights personal injury action. Plaintiff was in disbelief upon reading the Order at both its content and the fact that she had not be served with a copy of the very important Order. Failure to prosecute means a plaintiff lets a case sit idle for years.

3. On August 30, 2021, Plaintiff filed and served a partial, not complete filing in compliance with the magistrate's Pre Trial Stipulation Order. It was a partial filing because plaintiff was undergoing treatment for her physical injuries as a result of the aggravated assaults she suffered October 6, 2010. Plaintiff will have continuous treatment for the rest of her life with orthopaedic, neurologist, and cardiologists because of the severe head, neck, chest, shoulder, back, and right hand trauma she endured during the horrific physical assaults and battery, reckless endangerment, harassment, all of which should have been prosecuted by the district attorney, but were not, he is in Federal prison for bribery.
4. Plaintiff, in compliance with the pre Trial Stipulation order, has filed 1., 2., 3., 4., 6., 7, 5., (is included in 2). Plaintiff is in total compliance with the Courts Pre-Trial Stipulation order, yet her case is dismissed on a FRCP 41(b) failure to prosecute, when Defendants did not comply. Defendants never answered Plaintiff's Complaint or Amended complaint, yet she is penalized?
5. Plaintiff has throughout this litigation been in compliance with every court order and has timely filed pleadings, motions, Answers to defendants discovery (unlike defendants who have provided no discovery answers or information) which severely impeded Plaintiff in her right to obtain information through Interrogatories, written deposition questions, subpoenas, all unanswered. It is not Plaintiff who has been dilatory or acting in bad faith.
6. Plaintiff has been providing medical reports to both the court and defendants as required to provide continuous answers to Interrogatories and Document Production requests.
7. On April 23, 2022 the Phillies organization signed a certified receipt of Plaintiff's subpoena for a videotape of the area in the concourse at the stadium on October 6, 2010. Plaintiff was standing watching the game for 10-15 minutes when abruptly without cause was grabbed from behind by her arms by two police officers and dragged across the concourse, thrown onto a chair in the police room, handcuffed, her bag was searched and Plaintiff watched Sgt. Kovacs remove her souvenir Playoff ticket.



8. In case the court did not receive medical records submitted, Plaintiff had medical tests, appointments or procedures March 25, 31, April 6, 8, 11,19,26, May 16, 25, and is scheduled for June 22, 27, July 14,28 and August2, 2022. Some of these reports were filed May 3,2022. With all of these medical appointments for Plaintiff's injuries to her right hand, neck, head, back, and a three week sinus infection from May 6 through 25, Plaintiff still kept up with Responses ,court order compliance to the best of her human ability.She at no time failed to prosecute her injury action. There are more that 215 items on the docket, there is no failure to prosecute on Plaintiff's part. The fact remains defendants have continuously in bad faith failed to provide any Answers to Plaintiff's discovery and erroneously, the court did not compel them to sufficiently answer or produce requested documents or records.Due process
9. The fact Plaintiff survived defendants attempts to deprive her of her constitutional rights to due process and her Section 1983 remedy for violations of those shows there are genuine issues of factual and material disputes and thus defendants were not entitled to summary judgment or dismissal as a matter of law.The pleadings, answers to interrogatories, admissions, and Plaintiff's deposition transcript(filed ) together with the affidavits and complaints to authorities by Plaintiff all demonstrate there are genuine issues. The court must consider all evidence and inferences drawn therefrom in light most favorable to the non-moving party , the Plaintiff. Mariano v. Borough of Dickson City, 40 F.Supp 3d 411, 2014.
10. What has emerged as a pattern is the fact that plaintiff has not been served timely or at all with several court Orders ,and brought to the court's attention, it was ordered Plaintiff to be served byU S.Mail and electronic.Oddly,docket#212,213 Plaintiff was not served with the most significant order of April 22, 2022 which dismissed her civil rights personal injury action, until going to the Federal Court in Allentown to file her Exhibit notebook May31.

## II.Objections to Magistrate's Findings

11. At the last phone conference, Plaintiff at no time said she could not be at trial, she stated as a matter of fact that she was having medical procedures which required her to be

at her neurologist April 19 for a new treatment of severe migraines, a scheduled appointment.

Any Court must take these factors into consideration as they were submitted in her discovery, motions, depo transcript, conferences, pre-trial stipulation. The head trauma Plaintiff suffered when Oteri grabbed her right shoulder assaulted her, her head hit the back of the stadium seat and then later when Kelewischky threw her against the wall twice caused her concussion, tbi, migraines, seizure, tinnitus, right ear deafness, PTSD, PBA. Plaintiff was a crime victim; and not born with any of these. The right ear deafness occurred in 2019, years after the head trauma, which is good reason for the case to be ongoing. Damages can occur years later after the initial injury as everyone knows.

12. Federal Rule of Civil Procedure 45 (A) states: A person withholding subpoenaed information, such as the videotape, police misconduct reports made by other victims of named defendants, must make a claim that it is privileged or protected as trial-prep material.

Though the subpoenas or court Orders were ignored by defendants, the Court in the district where the compliance is required, may hold in contempt those who have been served, fail to without adequate excuse to obey the Court's subpoena. Defendants were not held in contempt.

13. Plaintiff, pursuant to FRCP 46, strongly objects to the April 22, 2022, court order and requests that it be vacated immediately because plaintiff had no opportunity to object when the Order was made as she was not served and had no knowledge of the dismissal order.

14. Further, Plaintiff in accordance with 28 U.S.C. 636 (b)(1), may and is hereby objecting to magistrate judge's findings ...within fourteen (14) days of (May 31, 2022) being served with a copy thereof. Plaintiff is herein providing written objections and specifically identifying the portions and basis for her objections. Function of litigation is to get to the truth, not hide it.

15. Plaintiff had prepared and served Interrogatories and FRCP 30 Depositions by written questions upon defendants which were not or insufficiently answered during discovery. Admissions were also filed and served. Her reason for filing Motions to Open was to obtain information; this is diligence not dilatoriness. There can be no fair trial or due



process if Plaintiff is prejudiced by having no information from defendants in which to proceed, and no evidence from opposing counsel. Plaintiff is certain that all participants are aware of what due process means..

16. Perhaps defendants neither deposed others or provided discovery answers to plaintiff, as they are aware that false testimony is police misconduct and if a lie is material, it's perjury. If you don't talk to witnesses, you don't want to find out the facts. Neither police or prosecution questioned the Sargeant (who saw Plaintiff's severe injuries, had her taken to hospital), or medical personnel at the ER or PAC, others with knowledge of facts. Prosecution never questioned the Plaintiff, except for the woman at the office on 11<sup>th</sup> St., Michelle who wrote the complaint against Oteri. What transpired is a conspiracy to defraud the Courts (government) by state actors and Oteri who conspired with them to contrive a narrative once they learned they made a colossal mistake. Plaintiff was seriously injured crime victim prior to and while in police custody, they knew no probable cause existed to arrest. If injured while in custody, police liable. The disinformation or false information spread intentionally to mislead with false inflammatory material to wrongfully discredit plaintiff in order to cover up the fact Oteri injured Plaintiff was a human geiser of spewing lies to police and prosecution to protect himself from liability for criminal acts of assault, battery, harassment, reckless endangerment and so began the narrative they all joined and had to stick with.

17. To correct the court, Fonzone had retained an attorney to commence the lawsuit in 2012. The delay started when he withdrew due to his medical conditions, Fonzone was understanding of such medical problems when she learned of his spine surgery and did not object to his withdrawing. Medical conditions which limit or prevent a lawyer from doing hard work are not failure to prosecute an action. "Material issues" were that Plaintiff was upset her attorney was speaking with opposing counsel without telling her.. Also in Bailey's petition to withdraw, not mentioned by this Court, is paragraph 5, where he states "Mr. Bailey sincerely believes Ms. Fonzone was seriously injured in the incidents with defendants....."

Plaintiff was a crime victim ,seriously injured , she was not guiltyof any crime for cheering

18. Mr. Bailey, put state supplemental claims in his complaint as he knew there were facts to

be brought out ,which arose from the incidents of October 6, 2010. This became evident

after Fonzone had case dismissed with prejudice August 22, 2012, then asst.Kotchian

appealed and proceeded ,over Fonzone's objections. There was a trial in Janauary 2013,

Fonzone ,who with co-counsel Ms.Snyder ,was acquitted of disorderly and resisting arrest after

her factual testimony trumped oteri's ever changing litany of lies. The fact is Fonzone was

restrained by the back of arms, it was factually impossible for her to resist arrest or do

anything as she was dragged across the concourse by police after watching the game holding on

to a seatback standing in concourse for 10-15minutes,then grabbed from behind by two police.

19. Though Plaintiff was her attorney representing herself in 2013, she was not served with

a Rule to show Cause Order,learned the case was dismissed while trying to get new counsel.

Immediately, upon learning this, Plaintiff filed a Motion to Reopen the case which Judge

Davis granted. Bailey was served with the show Cause as he was still attorney of record

when the show Cause order was issued, in 2015 ; though Fonzone was doing the work.

21. This court recognizes the fact the Amended complaint of July 7, 2015 is the operative

complaint according to original Federal Judge Davis, Item 51, so that is the complaint

to be used for the litigation; this complaint included all defendants named in it.

22. Indeed, Plaintiff sought extensions for Discovery BECAUSE she was not being

provided answers to her Discovery , yet she fully and completely answered

defendants discovery questions, including enduring a grueling long deposition .

23. Judge Davis retired October 4, 2017, Plaintiff filed Motion forReconsideration

for discovery Extension prior to learning of his retirement and prior to a ruling on her

Motion.Plaintiff remembers this Motion vividly; at that time she was unable to type due

to her very severe pain,post surgery, and her sister Tina typed it for her. Plaintiff had

major neck surgery several weeks prior.Judge Davis did not dismiss the action on



summary judgment motion because there were many issues of genuine fact in dispute.

24. On September 5, 2017, No. 108 did not dismiss Plaintiff's Monell claim according to the docket. Further, there is no mention in the Order of Poulis case in No. 108 by Judge Davis.

There is also no mention that "Fonzone's failure to comply with discovery orders prejudiced defendants or that she has begun to establish a history of dilatoriness." Is there another docket on this case? The only cite of Poulis was in defendants attempt to dismiss.

25. Fonzone hired counsel Colleen Middleton who failed to appear at the pretrial #127 conference December 12, 2018 except by phone where she said to Judge Schmel ,  
"YES" I represent Ms Fonzone" , the Judge told her she could have all the time she needed. (Transcript pg. )

26. FRCP 60 (a) states that the court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order or other part of the record. The court may do so on its own , with or without notice. 60(b) sets forth grounds for relief from a final judgment, order or proceeding. These reasons include; 1) mistake, inadvertence, surprise or excusable neglect, 2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time .) FRAUD ( whether intrinsic or extrinsic, misrepresentation, or misconduct by an opposing party, 4) the judgment is void, 6) any other reason that justifies relief. 60(d) states that other powers to grant relief include 3) set aside a judgment for FRAUD on the Court.

27. There are some of the above stated reasons applicable here for the court to vacate dismissal. For example, the court had ordered Plaintiff to be served Orders by U.S. mail, not only electronically because Plaintiff informed the court several times she was not getting the court's orders. The Order of April 22, 2022 was never mailed to plaintiff by U. S. Mail or electronically and thus as earlier mentioned, the first notice of the order was received by Plaintiff May 31, 2022 by Evelyn Renner clerk in Federal court in Allentown. Several times after Plaintiff filed her Response to the 41(b) Motion, she phoned the clerk in Philadelphia to

inquire if there had been a ruling yet.

Whether the fact that Plaintiff was not served with the dismissal order until May 31, 2022 was a mistake, inadvertence or excusable neglect; any of these constitute grounds for relief from this dismissal order according to FRCP60 (b)(1). Of note, from November 11, 2021 through April 22, 2022, Plaintiff either did not receive a Court Order at all or received it late. Upon informing the Court, it was ordered that Fonzone be sent Orders by U.S. Mail and email. The orders at issue were #196, #199, #202, #206, #210, #201 and most importantly #212 and #213, the orders and Memo wherein her case was dismissed.

27. Similarly, (3) FRAUD, misrepresentation or misconduct by opposing party will also grant relief of a dismissal order.

Plaintiff when filing her I A complaint against the officers who injured her included a copy of her Permanent Protection From Abuse Order against her estranged spouse who has had her stalked through many years of legal separation; since 1993; this PFA along with the complaint was supposed to be sent to the district attorney by the investigator, but never was, so there were no questions asked by the district attorney. In addition, the audio CD of Plaintiff's 911 call for help to police from the room at the stadium was wilfully suppressed by police and prosecution for more than two years. Plaintiff could not present it to the court, and this was strong evidence she was a crime victim. Another fact in this travesty is the fact that the incidents at the stadium where Plaintiff broke no law while doing the wave at her seat, occurred a few months after she filed a Defamation case in Federal Court. A copy of a brief Plaintiff wrote was included as a trial Exhibit filed May 31, 2022. The libel was another ploy by her estranged spouse and his lawyers to gain advantage in the divorce litigation through character assassination, false, fabricated information by a bribed reporter. Another action Plaintiff was working on at the time was an ID theft and Fraud case ancillary to her divorce; defendants, as Mr. Eidel knows, were MTV, Chase bank and Warner Bros. scheduled for Argument while Plaintiff was being wrongly held at Riverside so she could not appear at the Argument scheduled for September 27, 2011. she was released September 28.



28. Opposing parties were aware of the 911 audio because the police made it from the call; plaintiff purchased the CAD report of the exact time the call was made. The suppression of exculpatory evidence is a Brady violation and more than that it was police and prosecutor misconduct.

Plaintiff requested all police reports from them with filings in Municipal court and Right to Know requests, and the CD and other police reports (where Lieutenant and Sargeant found Fonzone's IA complaint valid), and the report generated when police transported Fonzone to the ER were all deliberately withheld. This was not just misconduct, it was also wilful misrepresentation; there were four deliberate discovery violations by prosecution in Municipal court; as they intentionally deceived the court and knowingly, maliciously prosecuted an innocent injured crime victim.

29. The aforementioned evidence of misrepresentation, misconduct, and fraud are Rule 61(b)(3) grounds for vacating the dismissal order. Under 60(d), (3) this court also has the power to vacate the dismissal because defendants with all their wrongful acts committed FRAUD on the Court.

Why wasn't the PFA (stated vicarious abuse) along with the Plaintiff's IA complaint sent to district attorney by the investigator as required? Defendants as state actors along with others who conspired with them perpetrated fraud and cover up of their criminal acts after they seriously injured then maliciously prosecuted an innocent individual. *Black v. Bayer*.

30. Every Order by the previous Federal Judges was mailed by U. S. Mail to Plaintiff. On page 4 of magistrate Heffley's memorandum, she incorrectly states that "a case management conference was held Jan. 24, 2019 and Fonzone requested a continuance because she had obtained counsel".

The fact is that defense counsel Shotland had asked for continuance because his wife was having a baby #128, 129. Other continuances by defense were for other family medical emergencies and vacations. Item #130 is the Transcript of 12/12/18 mentioned where the counsel Fonzone paid to be at the conference failed to appear, and Judge Schmel wanted to phone her; his clerk did. Plaintiff has provided a copy of the transcript she purchased to the court.

31. When Fonzone filed a Motion to have the case moved back to Philadelphia (because she

could not drive an hour to Reading due to right shoulder rotator cuff injury, she could take bus to Philadelphia, but had to ask family or friends to drive to Reading and did not want to have to do that ), she was not served with notice of a phone conference of September 18,2019 with Magistrate. On February 4, 2020, Fonzone informed the court that her mother was very sick , she was taking care of her and was not up to a phone conference . Subsequently, plaintiff's mother was admitted to the hospital very ill with the covid virus and was sick for much of the year 2020. Courts were closed in 2020 and much of 2021 due to the virus , which was not the fault of Plaintiff nor was all the continuous medical treatment she requires because of the injuries she survived from the violent criminal acts of the non-prosecuted defendants.

32.At the March 10, 2022 phone conference, Plaintiff did not say she could not proceed, she informed the court she had a neurological procedure for severe migraine treatment on April 19, 2022 which had been scheduled and appointments with her neurologist were difficult to get and scheduled a year ahead .Yes,Plaintiff requested that oteri be reinstated as he was the lead defendant as put on the complaint by Mr. Bailey for a reason; it was he who initiated the violence agasint plaintiff and but for his misconduct; Plaintiff would not be disabled , would not have been dragged through the criminal system, (though she was the injured crime victim), but for some reason the magistrate was not interested in these facts.

33When Plaintiff tried to get a copy of a transcript of the phone conference, she was told they did not have it. There is supposed to be a trial , but there cannot be any in person conferences? Plaintiff hasnot ever seen these new lawyers added all of a sudden , no discovery passed, no settlement conferences, just a trial trial trial with insufficient discovery and information for Plaintiff to adequately proceed. Former Defense lawyer Shotland ,at her deposition ,told Plaintiff he was going to depose Oteri; he did not or the transcript was hidden from Plaintiff., becasue his testimony was so inconsistent and impeachable with previous testimony. Defendants never filed or served Plaintiff with



any Pre trial stipulation materials. Plaintiff was ordered to show cause and timely filed.

34. Plaintiff did request that magistrate recuse, she has no animosity toward her, (they have never met) but every Motion filed is denied, this does not help Plaintiff in obtaining the info she is entitled to have prior to trial. It could be inferred, under Sec. 455a that magistrate's impartiality might reasonably be questioned by someone with knowledge of all the facts; Plaintiff was disabled by the incidents. At the conference, Plaintiff was ordered to show cause why the civil rights personal injury action should not be dismissed, though there were voluminous medical records and materials in the file which CLEARLY showed precisely that. How would any lawyer seriously, permanently injured and limited, compelled to do all the legal work on their own case, after two retained lawyers failed to complete the case to resolution, like to have his or her case, after ten years of unpaid legal work, all the pain and suffering and medical treatment since October 6, 2010 and for the rest of his or her life like to have the case just dismissed, swept under the carpet as there were no incidents that day which destroyed so many years and the rest of her life?

35. On page 6, the magistrate says, "Plaintiff did not address or provide any reasonable explanation for why her case should not be dismissed for lack of prosecution based on her unreadiness for trial on April 19". Conversely, Plaintiff did provide such reason, she was having 31 needles injected in her head on that day by her neurologist for severe migraines. Moreover, earlier that day, Plaintiff had two MRI's one on her cervical spine one on her thoracic spine. Plaintiff was providing this info to the clerks and filing medical records as available. Plaintiff did not suffer a broken leg; she suffered many continuous medical issues.

36. Despite incredible obstacles, Plaintiff was able to meet the magistrate's deadline of April 18, 2022 and filed another timely Reply as to why her case must not be dismissed for failure to prosecute. She was complying with every court order, (to the detriment of her health, ) and every defendant's attempt to have her case dismissed.. Plaintiff was

being penalized for litigating, so it seemed. Of course, Plaintiff was "relying on her continued treatment for the many injuries and permanent irreparable medical damages she suffered on October 6, 2010", as this was fact, but also factual Plaintiff did not fail; she did comply with court orders timely upon receipt, or answer or reply to defendants' filings. Moreover, plaintiff filed voluminous amounts of medical records with Motions and directly to the court. If for some reason, magistrate Heffley did not read or see them, that is unknown to plaintiff as to why they were not transferred from the other judges or why the continuing medical records were not seen by her. If litigant is in compliance with every court order and files a reply to opposing counsel's filings, how is said litigant possibly failing to prosecute as sufficient for the harshest of all sanctions, dismissal of her civil rights personal injury action? With all due respect, Plaintiff did not ever fail to prosecute this matter.

37. Similarly, merely because defense counsel tells the court some defendants were removed from a case (because it's to their advantage,) does not make it true. But when a lie is repeated and repeated, it erroneously is believed by those misled. Former defense counsel kept telling Judge Schmel that some defendants were out of the case, Judge Davis on record stated that "the operative complaint was the Amended complaint of July 7, 2015." Item #51.

38. FRCP 71.1(f) states that "without leave of court, plaintiff may as often as it wants- amend the complaint at any time before the trial..... 71.1(d)(e) defendant may appear or answer in the time and manner .... Plaintiff has been reiterating to the Court that defendants have failed to answer the amended complaint; this is her reason for persevering on the discovery issue or lack thereof by defendants.

39. Recusal would be unnecessary if Plaintiff were being treated fairly and without bias toward her, as though she is so unimportant and not worthy of the court's time to preside over this case. Sorry, Plaintiff did not seriously injure herself and do all this physical damage to herself. She did nothing to provoke these vicious attacks other than



perhaps going to the game without her boyfriend with whom she attended many games but,there was only one ticket left. To be clear, with her words, " the undersigned will not resort to reassigning this case to another judge, thereby unjustifiably delaying its Ultimate Disposition", does she mean to conclude that Plaintiff has no remedy so why even bother to give her a chance for resolution? Does the 7<sup>th</sup> Amendment have no meaning to this magistrate ?Does this magistrate conclude that plaintiff's case must be dismissed without knowing all the evidence ? Does Fonzone not deserve like all injured plaintiffs to be made whole by those that caused her such great and continuous damages Is this fair and impartial justice or bias and extremely prejudicial to an injured Plaintiff? IT IS the latter.

40.Plaintiff did not wait until the eve of trial to request recusal; she did on March 10, 2022 when she suspected she was being made to jump through hoops for some reason, rather than having the fairness of one who was supposed to deem all the allegations in the complaint as true and consider all the facts and everything in the record. Since this magistrate apparently has blatant disdain for Plaintiff , she has a duty to recuse herself. Reassignment is up to the Chief Judge , so she need not be concerned with it.

### III. THERE WAS NO FAILURE TO PROSECUTE BY PLAINTIFF

41.Plaintiff strongly disagrees with the court that she has been considerate of Plaintiff's medical conditions and treatment and asserts that her dismissal of this action is an abuse of discretion not sound discretion. Emerson v. Thiel College, 296 F.3d 184, 19 (3d Cir. 2002). Yes, the Court has the authority to control proceedings but never if it violates a litigant's constitutional rights as it controls the proceedings. As previously mentioned in her April 18, 2022 Reply ( hereby incorporated by reference),there was no willful refusal to prosecute or blatant failure to comply with a district court order by Plaintiff, so dismissal for failure to prosecute is very inappropriate here,distinguishing this case from Roberts v.Ferman,826F.3d 117,123(3d Cir2016)

42. 1) Factors in Poulis are not remotely applicable in Plaintiff's case and certainly do not weigh heavily in favor of dismissal. Fonzone did employ other lawyers, one to begin the litigation and another later to handle depositions and trial. Ergo, Emerson is distinguishable and a Plaintiff should be able to rely on paid retained lawyers to litigate, particularly when she is seriously and permanently injured by the incidents which are the subject of the litigation. Atrial fibrillation caused by the chest trauma of police nightstick is a heart condition permanent disability as is right ear deafness caused by the head trauma inflicted by Oteri and the police. These and all the orthopaedic injuries, chronic pain neurological conditions like chronic migraine are all real and prevent Plaintiff from normal paid employment like she was able to obtain prior to October 6, 2010. Fonzone is not unwilling to move the case forward; she needs help to do so and has asked the court to appoint and been refused. The court has the power to appoint in a complex civil rights case, for some reason, this court will not. As this court knows, Fonzone is an attorney, but now disabled. Sanctions are appropriate on defendants, not the seriously injured Plaintiff.

Of course the case has not been dismissed previously because the court is very aware there are many genuine issues of material fact in dispute. The violent unprovoked acts of defendants caused Plaintiff compensable injuries and damages though their agenda is to blame the innocent crime victim. How in the world does the fact of permanent medical conditions caused by defendants' violent acts not outweigh any factors used to dismiss this case? How dare a crime victim dissent with the government agenda to blame a victim when it is convenient and protect themselves from any criminal or civil liability? Indeed, we are whistleblowers some Sarbanes-Oxley, and punished for truth telling. These medical issues began October 6, 2010. Contrary to this court's belief that ten years is an excessive amount of time for litigation, it really is not. Plaintiff knows first hand of litigation dragging on for decades, ID theft, divorce, and others. Each case must be looked at on its own based on the totality of the circumstances. Here, there were interruptions by having two Federal Judges after one retired and one Magistrate. Further, the covid virus disrupted everything in America for years.



Other significant factors include the health and much continuous , life long medical treatment plaintiff requires yet simultaneously wearing the attorney ,witness and victim hats.Other factors supposed to be considered by a court include:delay of other litigation, medical costs,past, present and future, pain and sufferng, lost work time and limitation or elimination of future employment , litiagtion costs, loss of life's pleasures, embarrassment and humiliation, extreme emotional distress, impact on future and life expectancy, possibilty of reduced life expectancy from atrial fibrillation, pension loss and many other factors which seemingly are unimportant to this court.

- 2) There has been NO prejudice to defendants caused by Plaintiff as she did not fail to meet schedulng orders or respond to any discovery. Conversely, it is Plaintiff who has been prejudiced and adversely affected by defendants total disregard of Plaintiff's Discovery requests, both Interrogatories and Document Production Requests. They have either completely failed to reply or replied with insufficient answers to Interrogatories and blatantly refused to provide any documents requested by plaintiff.
- 3) There has been no dilatoriness , much less a history of such by Plaintiff. However, there has been a recurring refusal by defendants to refuse to answer Plaintiff's discovery so that it has been nearly impossible for Plaintiff to have the information she is entitled to to proceed .If there has been delay , it has been caused by defendants refusal to sufficiently respond to discovery, depose those they said they would, so that Plaintiff had to request to compel discovery responses and to open Discovery in order to obtain the answers she is entitled to have for this litigation. What are they hiding and why do they refuse to answer questions or produce documents and things requested? It is defendants that are completely uncooperative and are causing delibebrate delay, not the Plaintiff who has sufficiently answered Interrogatories , provided Documents requested because she is not hiding information.
- 4) Whether the conduct of the party was wilful or in bad faith.Plaintiff's conduct was not in bad faith or wilful but rather has in good faith continuously done her best to meet deadlines , do the research and preparation and service of pleadings,answer Discovery

appear for a nearly three hour Deposition , appear in Court prior to covid in front of Judge Davis and in Reading in front of Judge Schmel each time required to do so. Plaintiff strongly contends it is defendants all of them named in the operative complaint that acted in bad faith deliberately to sweep this case and their criminal violent activities under the rug, get rid of it to cover up their criminal misconduct, public corruption, conspiracy to deprive Plaintiff of her civil and constitutional rights, treat her like a criminal defendant wrongly to protect the violent crimes of the perpetrators who seriously injured her through their false implication and arrest , battery, aggravated assaults, reckless endangerment, causing her not only serious injuries but some permanent irreparable damages such as heart conditions and right ear deafness which she will have to endure and treat for the rest of her life. Indeed, defendants have acted and continue to act in wiful bad faith, unethical and unprofessional manner by refusing to extend any offer to Plaintiff for destroying her health and life, and instead act only to deny her rightful discovery and continuously to have her case dismissed.

- 5) Sanctions. Yes, defendants should be sanctioned for everything stated above in paragraphs 1-4. To dismiss Plaintiff's personal injury case is the harshest and most frowned upon ruling there is. This is especially true when a Plaintiff has suffered irreparable damages and permanent loss of body function, here the hearing in her right ear from the head trauma., tinnitus, and other chronic conditions which will not disappear overtime like a broken leg.
- 6) The merit of the case. Plaintiff has sufficiently stated the merits of her case in this and other pleadings, but her medical records and Exhibits will more fully explain Perhaps Ms.Faris did not receive all of the file from her predecessor; he had a large quantity of medical records and other documents like Discovery answers that plaintiff served him with. When considering all of the above mentioned factors or just one of these is more than sufficient to show that this case must not be dismissed because there was no lack of prosecution by Plaintiff.



A police officer must not be automatically believed by any fact finder that anything he says is true, correct or accurate. The level of police misconduct, brutality, improper police procedure( resulting in egregious violations of individual's constitutional and civil rights), is increasing at astounding measures throughout the United States.

A bad cop could lie, perjure, and fabricate evidence to unjustly attempt to attack the credibility of an individual, (particularly if an arrest is wrongful and criminal charges are dismissed), in order to protect his reputation and attempt to protect himself and others from civil liability for the wrongful arrest, malicious prosecution, false imprisonment, and misconduct in violating the rights of an innocent individual.

The government must not tolerate and condone this improper police behavior. With the increasing number of police misconduct incidents being reported to the authorities, like the Attorney General public corruption Unit, for example, it is the responsibility of the Government agencies, Courts and superior law enforcement to investigate the reported incidents for any motive and wrongdoing behind the misconducts. It is the responsibility and jurisdiction of these agencies to act upon reported incidents of misconduct and rights violations in effort to weed out any possible or evident abuse of power, victim witness intimidation obstruction of justice, non compliance of subpoenaed evidence, wrongful arrests, malicious prosecutions, bribery, false implication of innocent people in the criminal system, perjury, harrasment, and corruption.

The investigation into allegations of police misconduct and malicious prosecutions by the district attorneys are required in order to protect and preserve the integrity of the legal system and guarantee individuals the rights that the state and federal constitution guarantees all citizens. Injustice to one is an injustice to us all. Martin Luther King.

The present case overflows with improper police and prosecutor misconducts, and the court erred in not granting *the defense* pre-trial Motion to Dismiss *yet*. *Ms. Fouzune* clearly stated in that Motion that she was a victim of other retaliatory wrongful arrests, but not ever convicted, since she left California in 1993 and had filed complaints, reported to and informed government agencies and courts, after discovering she was a victim of ID theft, illegal use of her social security number since 1981, and since she has been trying to get a divorce from a California resident since 1993. Appellant has, in fact, suffered and survived countless incidents of intimidation, injustices, harrasment, physical abuse and severe injuries in California, New York and Pennsylvania as a result of providing information to the government of her knowledge of criminal activities including, tax and corporate fraud, and ID theft.

*Defense* provided the court with documents and exhibits of the above, including but not limited to a complaint to the U. S. Attorney in New York around Veteran's Day, November, 2004.



Form <b>14039</b> (April 2017)	Department of the Treasury - Internal Revenue Service <b>Identity Theft Affidavit</b>	OMB Number 1545-2139
-----------------------------------	------------------------------------------------------------------------------------------	-------------------------

Complete this form if you need the IRS to mark an account to identify questionable activity.

**Section A - Check the following boxes in this section that apply to the specific situation you are reporting** (Required for all filers)

☒ 1. I am submitting this Form 14039 for myself

☒ 2. This Form 14039 is submitted in response to a 'Notice' or 'Letter' received from the IRS

- Please provide 'Notice' or 'Letter' number(s) on the line to the right 1177779028 ETR 4674 C
- Please check box 1 in **Section B** and see special mailing and faxing instructions on reverse side of this form.

☐ 3. I am submitting this Form 14039 on behalf of my 'dependent child or dependent relative'

- Please complete **Section E** on reverse side of this form.

**Caution:** If filing this on behalf of your 'dependent child or dependent relative', filing this form will protect his or her tax account but it will **not** prevent the victim in **Section C** below from being claimed as a dependent by another person.

☐ 4. I am submitting this Form 14039 on behalf of another person (other than my dependent child or dependent relative)

- Please complete **Section E** on reverse side of this form.

**Section B - Reason For Filing This Form** (Required)

Check only **ONE** of the following boxes that apply to the person listed in **Section C** below.

☒ 1. Someone used my information to file taxes

☐ 2. I don't know if someone used my information to file taxes, but I'm a victim of identity theft

Please provide an explanation of the identity theft issue, how you became aware of it and provide relevant dates.  
If needed, please attach additional information and/or pages to this form.

*My estranged spouse continues to illegally use my SSN though we are legally separated for many years and worked together. His name is Cary Woods (phonetic) and has alias names. Injuries + domestic abuse evidence have disabled me. I had an appointment to discuss this, but it was cancelled due to the closing of govt. offices because of coronavirus. I'd provide further documents if an investigation would occur. The estranged spouse SSN is 101-52-1622 - dob 5/6/57.*

**Section C - Name and Contact Information of Identity Theft Victim** (Required)

Victim's last name <i>Forzone</i>	First name <i>Jo Ann</i>	Middle initial <i>C</i>	Taxpayer Identification Number (Please provide 9-digit Social Security Number) <i><del>000000</del> - 1688</i>
--------------------------------------	-----------------------------	----------------------------	----------------------------------------------------------------------------------------------------------------------

Current mailing address (apartment or suite number and street, or P.O. Box) If deceased, please provide last known address

*631 Primrose Lane*

Current city <i>Allentown</i>	State <i>PA</i>	ZIP code <i>18104</i>
----------------------------------	--------------------	--------------------------

Tax Year(s) you experienced identity theft (If not known, enter 'Unknown' in one box below)

*unknown - possibly since 1981*

What is the last year you filed a return  
*2019*

Address used on last filed tax return (If different than 'Current')

Names used on last filed tax return (If different than 'Current')

City (on last tax return filed)	State	ZIP code
---------------------------------	-------	----------

Telephone number with area code (Optional) If deceased, please indicate 'Deceased'

Home telephone number *484-773-8056* Cell phone number *Same*

Language in which you would like to be contacted ☒ English ☐ Spanish

**Section D - Penalty of Perjury Statement and Signature** (Required)

Under penalty of perjury, I declare that, to the best of my knowledge and belief, the information entered on this Form 14039 is true, correct complete, and made in good faith.

Signature of taxpayer, or representative, conservator, parent or guardian

*Jo Ann Forzone Esquire*

Date signed  
*5/08/20*

Submit this completed form to either the mailing address or the FAX number provided on the reverse side of this form.

Catalog Number 52525A www.irs.gov Form **14039** (Rev. 4-201)



Form **3949-A**  
(April 2016)

Department of the Treasury - Internal Revenue Service

**Information Referral**

(See instructions on reverse)

OMB Number  
1545-1960

Use this form to report suspected tax law violations by a person or a business.

**CAUTION: READ THE INSTRUCTIONS BEFORE COMPLETING THIS FORM.** There may be other more appropriate forms specific to your complaint.  
(For example, if you suspect your identity was stolen, use Form 14039.)**Section A - Information About the Person or Business You Are Reporting**Complete 1, if you are reporting an individual. Complete 2, if you are reporting a business only. Complete 1 and 2 if you are reporting a business and its owner.  
(Leave blank any lines you do not know.)

1a. Name of individual <i>Cary Woods AKA David Lowry David Lee Roth</i>		b. Social Security Number/TIN <i>107-52-1622</i>		c. Date of birth <i>05/06/57</i>	
d. Street address <i>8750 Hollywood Blvd.</i>		e. City <i>Hollywood Los Angeles</i>		f. State <i>CA</i>	g. ZIP code <i>90036</i>
h. Occupation <i>entertainment</i>		i. Email address			
j. Marital status (check one, if known) <input type="checkbox"/> Married <input type="checkbox"/> Single <input type="checkbox"/> Head of Household <input type="checkbox"/> Divorced <input checked="" type="checkbox"/> <i>Legally Separated</i>					
k. Name of spouse <i>Cary Woods aka David Lee Roth David Lee</i>					
2a. Name of business <i>MTV Networks</i>		b. Employer Tax ID number (EIN)		c. Telephone number	
d. Street address <i>1515 Broadway</i>		e. City <i>NY</i>		f. State <i>NY</i>	g. ZIP code <i>10036</i>
h. Email address		i. Website			

**Section B - Describe the Alleged Violation of Income Tax Law**

3. Alleged violation of income tax law. (Check all that apply.)

<input type="checkbox"/> False Exemption	<input type="checkbox"/> Unsubstantiated Income	<input checked="" type="checkbox"/> Unreported Income	<input type="checkbox"/> Failure to Withhold Tax
<input type="checkbox"/> False Deductions	<input type="checkbox"/> Earned Income Credit	<input type="checkbox"/> Narcotics Income	<input type="checkbox"/> Failure to File Return
<input type="checkbox"/> Multiple Filings	<input type="checkbox"/> Public/Political Corruption	<input type="checkbox"/> Kickback	<input type="checkbox"/> Failure to Pay Tax
<input type="checkbox"/> Organized Crime	<input checked="" type="checkbox"/> False/Altered Documents	<input type="checkbox"/> Wagering/Gambling	<input checked="" type="checkbox"/> Other (describe in 5) <i>RICO</i>

4. Unreported income and tax years  
Fill in Tax Years and dollar amounts, if known (e.g., TY 2010- \$10,000) *1980 - ongoing*

TY \_\_\_\_\_ \$ \_\_\_\_\_ TY \_\_\_\_\_ \$ \_\_\_\_\_ TY \_\_\_\_\_ \$ \_\_\_\_\_ TY \_\_\_\_\_ \$ \_\_\_\_\_ TY \_\_\_\_\_ \$ \_\_\_\_\_

5. Comments (Briefly describe the facts of the alleged violation-Who/What/Where/When/How you learned about and obtained the information in this report. Attach another sheet, if needed.)

*The estranged spouse Sociopath was my agent through an entertainment contract in 1980 (unknown to me until 1993) then in 1983 a marriage contract I unfortunately signed. The name Judy McGrath & Jackson Woods assigned to my SSN then unfortunately. I have been receiving income that he and his lawyers steal from me & use direct deposit. I have been trying to get advice since 1993.*

6. Additional information. Answer these questions, if possible. Otherwise, leave blank.

a. Are book/records available? (If available, do not send now. We will contact you, if they are needed for an investigation.) ☐ Yes ☐ No

b. Do you consider the taxpayer dangerous? ☒ Yes ☐ No

c. Banks, Financial Institutions used by the taxpayer

Name <i>Chase Manhattan Bank</i>			Name <i>Citibank, Bank of America</i>		
Street address			Street address		
City <i>New York</i>	State <i>NY</i>	ZIP code	City <i>NY</i>	State <i>NY</i>	ZIP code

**Section C - Information About Yourself**

(We never share this information with the person or business you are reporting.)

This information is not required to process your report, but would be helpful if we need to contact you for any additional information.

7a. Your name <i>Joseph C. Fonzare aka Judy McGrath aka Jackson Woods</i>		b. Telephone number <i>484-713-8056</i>		c. Best time to call <i>Send Letter - re Investigation</i>	
d. Street address <i>631 Primrose Lane</i>		e. City <i>Albiontown</i>		f. State <i>PA</i>	g. ZIP code <i>18104</i>

Please print and send your completed form to: Internal Revenue Service  
Stop 31313  
Fresno, CA 93888



JUDGMENT INDEX

From 01/01/2000 To 03/31/2006

For: Responsible Party Name / In Favor Party Name  
RAE INCORPORATED

Case Number  
CV-2001-01583  
Judgment Date  
03/05/2001  
Judgment Event Coded Description / Amount  
MISC:STIPULATION VS LIEN

Description Error

For: RONDEL DEVELOPMENT COMPANY

CV-2000-04987  
07/19/2000  
MISC:WAIVER OF LIENS

For: S & S HOME BUILDERS INC

CV-2002-05543  
07/31/2002  
MISC:JUDGMENT OF SENTENCING  
\$1,905.25

For: PENNSYLVANIA COMMONWEALTH OF COUNTY OF NORTHAMPTON

For: MIDDLESEX MEMORIAL HOSPITAL  
CV-2001-07144  
09/13/2001  
MISC:FOREIGN JUDGMENT  
\$9,404.94

For: BETHLEHEM CITY OF  
CV-2001-00926  
02/07/2001  
MISC:MUNICIPAL LIEN  
\$515.32

For: BANK OF AMERICA N A (USA)  
CV-2005-04883  
10/06/2005  
MISC:DEFAULT JUDGMENT  
\$11,571.86

For: GIBRALTAR DEVELOPMENT  
CV-2004-01154  
02/25/2004  
MISC:STIPULATION VS LIEN

For: ARLINGTON ENTERPRISES INC  
CV-2005-00735  
04/01/2005  
MISC:DEFAULT JUDGMENT

For: GIBRALTAR DEVELOPMENT  
CV-2004-01154  
02/25/2004  
MISC:STIPULATION VS LIEN

For: ARLINGTON ENTERPRISES INC  
CV-2005-00735  
04/01/2005  
MISC:DEFAULT JUDGMENT

For: WIND GAP MUNICIPAL AUTHORITY  
CV-2001-08776  
11/27/2001  
MISC:MUNICIPAL LIEN  
\$576.45

For: ARLINGTON ENTERPRISES INC  
CV-2005-00735  
04/01/2005  
MISC:DEFAULT JUDGMENT

For: WIND GAP MUNICIPAL AUTHORITY  
CV-2001-08776  
11/27/2001  
MISC:MUNICIPAL LIEN  
\$576.45

For: ARLINGTON ENTERPRISES INC  
CV-2005-00735  
04/01/2005  
MISC:DEFAULT JUDGMENT

For: FONZONE JOANN  
CV-2001-07615  
06/27/2003  
MISC:DEFAULT JUDGMENT  
\$1,000,000.00

For: MORGAN EVELYN  
CV-2002-01981  
12/19/2002  
MISC:AWARD  
\$1,000.00

*Handwritten:* Should forward could not collect returned as deposited Fed. Bankruptcy Court  
**COPY**



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOANNE FONZONE,

Plaintiff,

v.

JOE OTERI, et al.,

Defendants.

CIVIL ACTION

NO. 12-5726

**ORDER**

AND NOW, this 22nd day of April, 2022, upon consideration of the Order to Show Cause why the case should not be dismissed for failure to prosecute (Doc. No. 202), Plaintiff Joanne Fonzone's Response to this Court's Order to Show Cause (Doc. No. 204), Defendants City of Philadelphia, James Kisielewski, Lisenette Ortiz, and Mark Kovacs' Response to the Court's Rule to Show Cause for Failure to Prosecute (Doc. No. 205), Defendant Christopher Bee's Response to the Court's Rule to Show Cause for Failure to Prosecute (Doc. No. 207), Defendant Christopher Bee's Amended Response to the Court's Rule to Show Cause for Failure to Prosecute (Doc. No. 209); and Plaintiff Joanne Fonzone's Reply to Defendants' Response and Motion to Dismiss Personal Injury/Civil Rights Action for Lack of Prosecution (Doc. No. 211), **IT IS HEREBY ORDERED** that Plaintiff's case is dismissed with prejudice for failure to prosecute pursuant to Federal Rule of Civil Procedure 41(b). The Clerk of Court shall mark this case **CLOSED**.

BY THE COURT:

/s/ Marilyn Heffley

MARILYN HEFFLEY

UNITED STATES MAGISTRATE JUDGE

5/3/22  
ER


Evelyn Renner  
Fed. Ct. Allentown Clerk

#### IV. CONCLUSION

Based on the aforementioned facts, Plaintiff strongly disagrees and dissents with the Court's findings to erroneously dismiss her civil rights personal injury case because it has substantial merit and at no time did Fonzone fail to prosecute .

Date: June 14, 2022

BY :

  
do Ann Fonzone, Esquire aka Judy Mc Grath  
Plaintiff



FILED

2000 AUG -1 PM 1:24

**LEHIGH VALLEY**  
HOSPITALITY, C.S.C.

**PHYSICIAN GROUP**

Affiliated with Lehigh Valley  
Hospital and Health Network

**Heritage Family Practice**

2901 Hamilton Boulevard  
Suite 100  
Allentown, Pennsylvania 18104  
Telephone (610) 437-0739  
Fax (610) 437-1601

Richard D. Baylor, M.D.  
Linda S. Loffredo, M.D., F.A.A.F.P.  
Wendy Rush Spinosa, M.D.

\*Diplomate  
American Board of Family Practice

November 1, 2005

To Whom It May Concern:

Re: JoAnn Fonzone DOB: 07/19/58

I am Ms. Fonzone's primary care provider and have treated her over the past few years for physical injuries.

It is my medical opinion that she has no emotional or psychological problems. She takes no medications on a regular basis.

Thank you for your attention.

Sincerely,



Wendy Rush Spinosa, MD

## Your Medication List as of April 11, 2022 11:59 PM

 Always use your most recent med list

**acetaminophen** 325 MG tablet  
Commonly known as: TYLENOL

Take 650 mg by mouth every 6 (six) hours as needed for mild pain (pain score 1-3).

**albuterol** 90 mcg/actuation inhaler  
Commonly known as: PROVENTIL HFA; VENTOLIN HFA; PROAIR HFA

Inhale 2 puffs every 6 (six) hours as needed for wheezing. *asthma*

**aspirin** 81 MG EC tablet

Take 81 mg by mouth daily.

**botulinum toxin Type A** 200 unit Solr  
Commonly known as: BOTOX

Inject 155 units into face and neck IM every 90 days  
*migraine*

**clonazepam** 1 MG tablet  
Commonly known as: Klonopin

Take 1 to 2 tabs PO qhs  
*seizures*

**digoxin** 125 mcg tablet  
Commonly known as: LANOXIN

TAKE 1 TABLET BY MOUTH EVERY DAY  
*heart*

**FIBER ORAL**

Take 2 tablets by mouth daily.

**lidocaine** 5 % Gel

Apply small to affected QID PRN

**NON FORMULARY**

DMG supplement

**propafenone** 325 MG 12 hr capsule  
Commonly known as: RYTHMOL SR

TAKE 1 CAPSULE BY MOUTH TWO TIMES DAILY  
*atrial fibrillation*

**SOFTGELS MULTIVIT-A,B,D,E,K,ZN** 1,000-800 unit-mcg  
Cap  
Generic drug: multivitamin no.44-vit D3-K

Take 1 tablet by mouth daily.

**SUMatriptan** 25 MG tablet  
Commonly known as: IMITREX

TAKE 1 TABLET BY MOUTH AT ONSET OF HEADACHE, MAY REPEAT AFTER 2 HOURS. NOT TO EXCEED 4 TABLETS IN 24 HOURS

**tapentadol** 50 mg tablet  
Commonly known as: NUCYNTA

Take 1 tablet (50 mg total) by mouth 3 (three) times a day as needed for severe pain (pain score 7-10). Max Daily Amount: 150 mg

**ubrogepant** 100 mg Tab tablet  
Commonly known as: UBRELVY

Take 1 tablet twice a day as needed for headache, limit 16 tabs per month

**VITAMIN B COMPLEX ORAL**

TAKE 1 TABLET DAILY

### Allergies

**Codeine**

Nausea and/or vomiting, GI upset

**Penicillin**

Rash

**Penicillins**

Rash





## AFTER VISIT SUMMARY

**Jo Ann Fonzone** Date of birth: 7/19/1958

4/26/2022 St. Luke's Spine and Pain Associates Allentown 484-526-7246

### Instructions

#### What's Next

You currently have no upcoming appointments scheduled.

### Medications

It is important that you maintain an up-to-date list of medications (prescribed and over-the-counter, as well as vitamins and mineral supplements) that you are taking. Bring your list of current medications whenever you seek treatment at a hospital or other healthcare setting. It is best practice to follow up with your Primary Care Provider within 2 weeks to discuss your medications. Please follow up with your physician before stopping any medication and to obtain refills.

**If you have any questions or concerns, contact your primary care physician's office.**

You are allergic to the following

Allergen

Reactions

Codeine

GI Intolerance

Other (See Comments)

Penicillins

Other (See Comments)

Rash

Other reaction(s): Unknown Allergic Reaction



### SIGN UP FOR ST LUKE'S MYCHART!

You will be able to message your doctor, see test results & more. How?

Download the St. Luke's App in the Apple or Android App Store or visit us online at [SLUHN.org/MyChart](http://SLUHN.org/MyChart)

This *After Visit Summary, Provider Notes and Immediate Test Results* are available to you in MyChart. For more information please go to [www.slhn.org/mychart/information](http://www.slhn.org/mychart/information)

Choose Create account, and when prompted enter the MyChart Activation Code:  
X3WP6-TK5MN-5KQ22

Expires: 5/10/2022 2:21 PM

Questions? Call 1-866-ST LUKES-(785-8537) to talk to our customer support staff. Remember, MyChart is NOT to be used for urgent needs. For medical emergencies, dial 911

# Discharge Instructions

## Instructions

### ACTIVITY

- Please do activities that will bring on the normal pain that we are rating. For example, if vacuuming or walking increases the pain, do that. This will give the most accurate response to the diary.
- You may shower, but no tub baths today, or applied heat.

### CARE OF THE INJECTION SITE

- This area may be numb for several hours after the injection.
- Notify the Spine and Pain Center if you have any of the following: redness, drainage, swelling, or fever above 100°F.

### SPECIAL INSTRUCTIONS

- Please return the MBB diary to our office by mail, fax, or drop it off.

WTP

### MEDICATIONS

- Please do not take any break through or short acting pain medications for 8 hours after the block.
- Continue to take all routine medications.
- Our office may have instructed you to hold some medications.

As no general anesthesia was used in today's procedure, you should not experience any side effects related to anesthesia.

If you have a problem specifically related to your procedure, please call our office at (484) 526-7246.

Problems not related to your procedure should be directed to your primary care physician.



## AFTER VISIT SUMMARY

Jo Ann C. Fonzone MRN: 00194191 DoB: 7/19/1958

5/16/2022 2:00 PM LVPG Family Medicine - 1503 N Cedar Crest 610-849-0692

Instructions from Timothy C Salkauskis, MD

### Wellness

- Tdap today. Get shingrix from the pharmacy
- Schedule mammogram and DEXA
- Get labs done
- Send in stool testing kit



### Pick up these medications at Wegmans Allentown Pharmacy #079 - Allentown, PA - 3900 Tilghman Street

cefuroxime

Address: 3900 Tilghman Street Tilghman St. - Allentown, Allentown PA 18104

Phone: 610-336-7940



### Pick up these medications from any pharmacy with your printed prescription

varicella-zoster gE-AS01B (PF)



### DXA BONE DENSITY SCAN STANDARD 2 SITES

Expires: 11/12/2022 (requested)

Effective 4/1/2021, LVHN will no longer place lead shields over a patient during their imaging exams (X-rays or pictures). New research has shown shields can cover a body part that needs to be seen and may cause more radiation to be used than not shielding. At LVHN we want to keep our patients safe, while providing the highest quality imaging at the lowest radiation dose. More information can be found at the following site: [LVHN.ORG/LEADSHIELD](http://LVHN.ORG/LEADSHIELD)



### Labs and imaging ordered today

CBC (Complete Blood Count) - Determine general health status and to screen for and monitor a variety of disorders, such as anemia.

Complete as directed

Go to HNL LAB MEDICINE

Comprehensive Metabolic Panel (CMP) - A group of tests to examine your kidneys, liver, electrolytes, acid/base balance, blood sugar and blood proteins.

Complete as directed

Go to HNL LAB MEDICINE

Lipid Panel - A group of tests that determine risk of coronary heart disease.

Complete as directed

Go to HNL LAB MEDICINE

MAMMO 3D TOMOSYNTHESIS SCREENING BILAT W/CAD

### Today's Visit

You saw Timothy C Salkauskis, MD on Monday May 16, 2022. The following issues were addressed:

- Acute non-recurrent maxillary sinusitis
- Encounter for preventive health examination
- Postmenopausal
- Encounter for screening breast examination
- Screen for colon cancer
- Screening mammogram for breast cancer



Blood Pressure

112/70



BMI

17.43



Weight

108 lb



Height

5' 6"



Temperature

97 °F



Pulse

78



Oxygen Saturation

98%

### Immunizations Given

Tdap

### MyLVHN

Send messages to your doctor, view your test results, renew your prescriptions, schedule appointments, and more.

Go to <https://www.mylvhn.org/mychart/>, click "Sign Up Now", and enter your personal activation code: **R8ZV7-DG7TU**. Activation code expires 7/25/2022.



## Instructions (continued) from Timothy C Salkauskis, MD

Please complete by or around 5/16/2022

Effective 4/1/2021, LVHN will no longer place lead shields over a patient during their imaging exams (X-rays or pictures). New research has shown shields can cover a body part that needs to be seen and may cause more radiation to be used than not shielding. At LVHN we want to keep our patients safe, while providing the highest quality imaging at the lowest radiation dose. More information can be found at the following site:  
LVHN.ORG\LEADSHIELD

**OCCULT BLOOD, IMMUNOCHEMICAL**

Complete as directed

Go to HNL LAB MEDICINE

Please follow the instructions regarding sample collection found in the hemoccult envelope you were given today. Once complete, please return to the lab via USPS.

**HCV AB PROFILE**

Please complete by or around 5/17/2022

Go to HNL LAB MEDICINE

**Return in 1 year**

(on 5/16/2023) for Preventative care visit.

## What's Next

JUN  
27  
2022

**Return Patient Visit with Susan K Newhart, CRNP**

Monday June 27 1:00 PM

- Arrive 15 minutes early for your appointment.
- Bring your insurance card with you.
- Bring a list of all of your current medications.

LVP Neurology - Muhlenberg  
1770 BATHGATE RD  
STE 403  
BETHLEHEM PA 18017-7334  
484-884-8370

JUL  
19  
2022

**Botox-Chemodenervation with Vitaliy Koss, MD**

Tuesday July 19 4:30 PM

- Arrive 15 minutes early for your appointment.
- Bring your insurance card with you.
- Bring a list of all of your current medications

LVH-CC 1250 Neurology  
1250 S CEDAR CREST  
STE 405  
ALLENTOWN PA 18103-6224  
610-402-8420

JUL  
22  
2022

**Botox-Chemodenervation with Vitaliy Koss, MD**

Friday July 22 3:30 PM

- Arrive 15 minutes early for your appointment.
- Bring your insurance card with you.
- Bring a list of all of your current medications

LVH-CC 1250 Neurology  
1250 S CEDAR CREST  
STE 405  
ALLENTOWN PA 18103-6224  
610-402-8420

NOV  
21  
2022

**ECHO 2D**

Monday November 21 1:00 PM

LVH-CH 1503 N Cedar Crest Cardiac  
Diag Cntr  
1503 N Cedar Crest Blvd  
1st Floor  
ALLENTOWN PA 18104-2310  
610-849-0692

NOV  
21  
2022

**Return Patient Visit with Prasant Pandey, MD**

Monday November 21 2:00 PM


- Arrive 15 minutes early for your appointment.
- Bring your insurance card with you.
- Bring a list of all of your current medications.

LVP Cardiology - 1503 N Cedar Crest  
1503 N CEDAR CREST BLVD  
ALLENTOWN PA 18104-2310  
610-402-3110

To assist in the coordination and continued quality of your medical care, we encourage you to use a Lehigh Valley Health Network facility for the provision of the health services recommended below. Please call 888-402-LVHN to schedule your appointment.



Your Medication List as of May 16, 2022 2:46 PM

 Always use your most recent med list.**acetaminophen** 325 MG tablet  
Commonly known as: TYLENOL

Take 650 mg by mouth every 6 (six) hours as needed for mild pain (pain score 1-3).

**albuterol** 90 mcg/actuation inhaler  
Commonly known as: PROVENTIL HFA; VENTOLIN HFA; PROAIR HFA

Inhale 2 puffs every 6 (six) hours as needed for wheezing.

**aspirin** 81 MG EC tablet

Take 81 mg by mouth daily.

**botulinum toxin Type A** 200 unit Solr  
Commonly known as: BOTOX

Inject 155 units into face and neck IM every 90 days

**cefuroxime** 500 MG tablet  
Commonly known as: CEFTIN

Take 1 tablet (500 mg total) by mouth 2 (two) times a day for 10 days.

**clonazepam** 1 MG tablet  
Commonly known as: Klonopin

Take 1 to 2 tabs PO qhs

**digoxin** 125 mcg tablet  
Commonly known as: LANOXIN

TAKE 1 TABLET BY MOUTH EVERY DAY

**FIBER ORAL**

Take 2 tablets by mouth daily.

**lidocaine** 5 % Gel

Apply small to affected QID PRN

**NON FORMULARY**

DMG supplement

**propafenone** 325 MG 12 hr capsule  
Commonly known as: RYTHMOL SR

TAKE 1 CAPSULE BY MOUTH TWO TIMES DAILY

**SOFTGELS MULTIVIT-A,B,D,E,K,ZN** 1,000-800 unit-mcg  
Cap  
Generic drug: multivitamin no.44-vit D3-K

Take 1 tablet by mouth daily.

**SUMatriptan** 25 MG tablet  
Commonly known as: IMITREX

TAKE 1 TABLET BY MOUTH AT ONSET OF HEADACHE, MAY REPEAT AFTER 2 HOURS. NOT TO EXCEED 4 TABLETS IN 24 HOURS

**tapentadol** 50 mg tablet  
Commonly known as: NUCYNTA

Take 1 tablet (50 mg total) by mouth 3 (three) times a day as needed for severe pain (pain score 7-10). Max Daily Amount: 150 mg

**ubrogepant** 100 mg Tab tablet  
Commonly known as: UBRELVY

Take 1 tablet twice a day as needed for headache, limit 16 tabs per month

**varicella-zoster gE-AS01B (PF)** 50 mcg/0.5 mL vaccine  
Commonly known as: SHINGRIX

Inject 0.5 mL inject into the muscle one time for 1 dose.

**VITAMIN B COMPLEX ORAL**

TAKE 1 TABLET DAILY

**FONZONE, Jo Ann**

July 19, 1958

Born

Female

Sex

0050341

MRN

631 Primrose Lane  
Allentown, PA 18104  
AddressEnglish (preferred)  
LanguageWhite  
RaceNot Hispanic or Latino  
Ethnicity**Summary of Care**

## Reason for Visit

Reason for Visit: Reason For Visit: Neck and right shoulder pain. for a routine follow-up visit

## Functional Status

Functional status health issues are not documented

Cognitive status health issues are not documented

## Problems

Abnormal EKG (794.31, R94.31)

Acute hip pain (719.45, M25.559)

Acute sinusitis (461.9, J01.90)

Atrial fibrillation (427.31, I48.91)

Cervical facet syndrome (720.8, M47.812)

Cervical spinal stenosis (723.0, M48.02)

Closed fracture of sternum (807.2, S22.20XA)

Complex regional pain syndrome (355.9)

Contusion of hip (924.01, S70.00XA)

Costalchondritis (733.6, M94.0)

Discoloration of skin of hand (709.00, L81.9)

Ecchymosis (459.89, R58)

Encounter for examination following surgery (V67.00, Z09)

Encounter to establish care with new doctor (V65.8, Z76.89)

Foraminal stenosis of cervical region (723.0, M48.02)

Hearing loss of right ear (389.9, H91.91)

Herniated nucleus pulposus, C5-6 (722.0, M50.222)

Herniated nucleus pulposus, C6-7 (722.0, M50.223)

Influenza vaccine administered (V04.01, Z23)

Influenza-like symptoms (780.99, R68.89)

Lumbar radiculopathy (724.4, M54.16)

Migraine headache (346.90, G43.909)

Mitral regurgitation (424.0, I34.0)

Myofascial pain (729.1, M79.18)

Neck pain (723.1, M54.2)

Occipital neuralgia (723.8, M54.81)

Osteoarthritis of cervical spine (721.0, M47.812)

Palpitations (785.1, R00.2)

Postlaminectomy syndrome of cervical region (722.81, M96.1)

Right cervical radiculopathy (723.4, M54.12)

Right shoulder pain (719.41, M25.511)



Shoulder pain (719.41, M25.519)

Somatic dysfunction of cervical region (739.1, M99.01)

Somatic dysfunction of thoracic region (739.2, M99.02)

Tendinitis of right rotator cuff (726.10, M75.81)

Thoracic aortic aneurysm without rupture (441.2, I71.2)

Thoracic disc herniation (722.11, M51.24)

Thoracic outlet syndrome (353.0, G54.0)

Traumatic hematoma of buttock (922.32, S30.0XXA)

Vitamin d deficiency (268.9, E55.9)

## Medications

## Aspirin 81 MG TABS

TAKE 1 TABLET DAILY.

## Digoxin 125 MCG Oral Tablet

TAKE 1 TABLET BY MOUTH EVERY DAY

Quantity: 90 Refills: 3

## Klonopin 1 MG Oral Tablet (clonazepam)

TAKE 1 TABLET AT BEDTIME AS NEEDED.

Quantity: 30 Refills: 3

## Lidocaine 5 % External Ointment

TAKE 1 OINTMENT 3 TIMES A DAY

Quantity: 30 Refills: 3

## Meloxicam 15 MG Oral Tablet

TAKE 1 TABLET DAILY WITH FOOD

Quantity: 30 Refills: 3

## Multi Vitamin/Minerals Oral Tablet

TAKE 1 TABLET DAILY.

## Nucynta 50 MG Oral Tablet

TAKE 1 TABLET 1 TO 3 TIMES A DAY

Quantity: 30 Refills: 3

## Prochlorperazine Maleate 5 MG Oral Tablet

TAKE 1 TABLET 3 TIMES A DAY AS NEEDED FOR NAUSEA.

Quantity: 30 Refills: 3

## Propafenone HCl ER 325 MG Oral Capsule Extended Release 12 Hour

TAKE 1 CAPSULE EVERY 12 HOURS

Quantity: 180 Refills: 3

## SUMatriptan Succinate 25 MG Oral Tablet

TAKE 1 TABLET EVERY 4 HOURS AS NEEDED FOR MIGRAINE. DO NOT TAKE MORE THAN 6 TABLETS IN 24 HOURS.

Quantity: 30 Refills: 3

## Vitamin B Complex TABS

TAKE 1 TABLET DAILY.

## Medications Administered

Medication Administration not documented

## Allergies

Codeine Derivatives

Reaction: Nausea

Penicillins

Reaction: Rash

## Past Medical History

History of Aneurysm of thoracic aorta (441.2, I71.2)

Status: Resolved

History of Anxiety (300.00, F41.9)

Status: Resolving

History of Atrial fibrillation (427.31, I48.91)

Status: Resolving

History of low back pain (V10.59, Z87.39)

Status: Resolving

History of Post-traumatic stress (309.81, F43.10)

Status: Resolved

History of Shoulder pain (719.41, M25.519)

Status: Resolved

## Procedures

History of Ant Spinal Discectomy, Osteophyctectomy Addl Cerv Interspace

History of Hemilaminectomy

History of Laminectomy Lumbar

Procedures not documented

## Immunizations

Immunizations not documented

## Family History

Family history of Hypertension (V17.49)

Family history of Acute Myocardial Infarction (V17.3)

## Social History

Occupation

Comments: lawyer

Social alcohol use (Z78.9)

Smoker, current status unknown

Never smoker

## Vitals

BP Systolic 100 mm[Hg]

BP Diastolic 68 mm[Hg]

Heart Rate 65 /min

Physical Findings 16

Comments: Respiratory

Height 66 in

Physical Findings 105

Comments: Weight

Body Mass Index Calculated 16.95 kg/m2

Body Surface Area Calculated 1.52 m2

Physical Findings 96

Comments: O2 Saturation

## Results

Results not documented

## Treatment Plans

Planned Goals not documented

Goal

Appointment; Pandey, Vascular Ultrasound On 14-Dec-2020

13:00

Appointment; Pandey, Prasant, M.D. On 14-Dec-2020

14:00

## Interventions Provided

Meloxicam 15 MG Oral Tablet - Start

The patient was counseled regarding diagnosis, prognosis, the risks and benefits of treatment options, and the importance of compliance with the treatment plan. Start Mobic 15mg qhs. Continue medication without dose changes. Patient suffers from significant intractable pain related to PLPS/DDD therefore this medication is medically indicated to promote independent daily functioning, improve quality of life, and reduce suffering. Medications are managed via regular follow-up appointments, random urine drug testing, and an informed opioid agreement. The patient has been counseled on the risks of taking opioids including altered mental status, overdose, physical dependence, and addiction. Proper use of medications discussed. Patient understands and agrees to use these medications only as prescribed. Patient agrees to obtain pain medications from this office only. Stay active as much as possible without causing increased pain. Guided HEP reviewed



with patient, advised to continue as instructed. Will follow up in 2-3 months. Patient understands and agrees with the treatment plan. ORT done today - score 0 - low risk.

## Instructions

Instructions not documented

## Encounters

No Encounter data documented On 19-Aug-2020

Encounter Diagnosis: Problem not documented

## Health Care Providers

Prasant Pandey, M.D.

Brian Philips, C.R.N.P.

Christopher Wagener, M.D.

(Referring Provider)

Regina Radogna, C.R.N.P.

(Primary Care Provider)

Regina Radogna

## Pharmacy

WEGMANS PHARMACY ALLENTOWN

ALLENTOWN  
address  
ALLENTOWN  
address  
ALLENTOWN  
address  
ALLENTOWN  
address  
2775 Schencksville Road  
Bethlehem, PA 18017-7307  
address  
ALLENTOWN PA 18104  
address

## Document Details

1621 N Cedar Crest Blvd (POD A)

1621 N Cedar Crest Blvd

ALLENTOWN PA 18104

address

Powered by Allscripts™

LVPg Physiatry - 1621 N Cedar Crest  
 1621 N CEDAR CREST BLVD  
 ALLENTOWN PA 18104-2304  
 Phone: 610-402-3300  
 Fax: 610-297-3021

**Patient:**

Jo Ann C Fonzone  
 631 Primrose Ln  
 Allentown PA 18104-4683  
 Phone: 484-773-8056

MRN: 00194191

DOB: 7/19/1958

Sex: F

<b>INSURANCE</b>	<b>PAYOR</b>	<b>PLAN</b>	<b>GROUP #</b>	<b>SUBSCRIBER ID</b>
Primary:	HIGHMARK WHOLECARE MEDICAID	13301		24013039

Order Date: Mar 31, 2022

**AMB REF LVPg PHYSIATRY - INDEPENDENCE ROAD****Diagnosis:** Chronic neck pain (M54.2,G89.29)**Priority:** Routine**Reason for Referral:** Evaluate and Treat [9]**Comments:** Review MRIs and consider cervical and thoracic facet procedures**Referred to Information:**

Department/Location	Provider Details
LvpG Physiatry - Independence Road 505 Independence Rd East Stroudsburg PA 18301-7916 P:610-402-3300 F:570-420-0245	Stella M Ferker MD 505 Independence Road EAST STROUDSBURG PA 18301-7916 P:610-402-3300 F:570-420-0245

**Electronically signed by:** Brian K Goldberg, MD**Authorized by:** Brian K Goldberg, MD

This document serves as a request of services and does not constitute Insurance authorization or approval of services. To determine eligibility, please contact the members Insurance carrier to verify and review coverage.

If you have medical questions regarding this request for services. Please contact LVPg Physiatry - 1621 N Cedar Crest at 610-402-3300 between the hours of 8:00am - 5:00pm (Mon-Fri).

To assist in the coordination and continued quality of your medical care, we encourage you to use a Lehigh Valley Health Network facility for the provision of the health services recommended above. Please call 888-402-LVHN to schedule your appointment.





April 4, 2022 12:09 PM

Jo Ann Fonzone  
631 PRIMROSE LN  
ALLENTOWN PA 18104

RE: **Jo Ann Fonzone**  
ID #: **2401303901**  
Date of Birth: **07/19/1958**

Dear **Jo Ann Fonzone**:

Highmark Wholecare has approved a request for a(n) **Cervical Spine MRI (Magnetic Resonance Imaging – pictures of inside your upper spine)** submitted by **Dr. Brian K Goldberg** because Highmark Wholecare has approved a request for finds the service to be medically necessary based on current information submitted for the request.

You may have already received the service, or you may have already received information regarding the date you are scheduled to receive this service. If you have questions regarding this approved service by Highmark Wholecare, please contact Highmark Wholecare's Member Services Department at 1-800-392-1147.

22542



Sincerely,

Highmark Wholecare Utilization Management  
Treating Practitioner

cc: **Dr. Brian K Goldberg**  
**LEHIGH VALLEY COORDINATED HEALTH HOSPITAL**



April 19, 2022 1:53 AM

**JO ANN FONZONE**  
**631 PRIMROSE LN**  
**ALLENTOWN PA 18104**

**RE: Jo Ann Fonzone and 07/19/1958**

**Member ID: 2401303901**

Subject: Request for Additional Information from Your Provider.

**Dear Jo Ann Fonzone:**

This is an important notice about your services. Read it carefully.  
Call Highmark Wholecare at 1-800-392-1147/TTY 711 (1-800-654-5984) if you have any questions or need help.

Highmark Wholecare received a request for **Cervical/Thoracic Facet Joint Block (Neck/Upper Back Injection (Shot))** from **Dr. Jason Erickson** on **April 15, 2022**.

In order to decide if this service is Medically Necessary for you, Highmark Wholecare needs more information. Highmark Wholecare has asked your provider to send us the following information by **May 03, 2022**:

4187



Missing clinical: Specific dates/duration of completed home exercise

Missing clinical: Specific dates/duration of chiro visits

Highmark Wholecare will make a decision on the requested services within 2 business days after getting the information from your provider. Highmark Wholecare will tell you the decision in writing within 2 business days after making its decision.

If we do not receive the additional information within 14 days, Highmark Wholecare will make the decision to approve or deny the service based on the information it already has. Highmark Wholecare will tell you the decision in writing within 2 business days after it should have gotten the additional information.

If you have any questions, please contact Member Services at 1-800-392-1147/TTY 711 (1-800-654-5984).





Ms. Joann Fonzone  
2242 Tilghman Street  
Apt 1C  
Allentown, PA 18104

June 30, 2011

Dear Ms. Fonzone,

As per your request of 1/28/2011, a copy of your entire Emergency Room Record of 10/7/2010 was sent on 2/16/2011 to:

The Philadelphia Police Department  
Internal Affairs Division  
7790 Dungan Road  
Philadelphia, PA 19111

If you have any questions please call me at 215-955-0135.

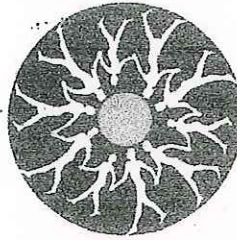
Yours truly,

A handwritten signature in cursive script that reads "Bonnie Heim".

Bonnie Heim  
Release of Information Supervisor  
Health Information Department

# John F. Kennedy Community Mental Health/Mental Retardation Center

Delores Wilson Esq.  
Chairperson  
Board of Directors



Jo Williamson  
President/CEO

March 1, 2012

RE: Joann Fonzone  
DOB: 07/19/1958

Dear Sir or Madam:

Ms. Fonzone was initially evaluated on October 19, 2011 and had a follow up on December 21, 2011. She was diagnosed with Post Traumatic Stress Disorder. As of our last meeting she was competent to aide in her defense. She is not delusional or psychotic. She understands the circumstances of her situation.

Sincerely,

Buster Smith, MD



**Coordinated Health  
Treatment Plan**

www.coordinatedhealth.com  
(877) 247-8080

Joann Fonzone  
2242 W Tilghman St  
Allentown, PA 18104  
**DOB:** 07/19/1958  
**HOME PH:** (610) 434-3155  
**ENC DATE:** 07/29/2016 2:30PM

**MRN:** 0050341  
**PROVIDER:** John Williams M.D., MD

Joann is treating through our practice for significant right sided shoulder pain secondary to rotator cuff tendonitis and adhesive capsulitis. She has difficulty concentrating secondary to pain and feasibly has issues performing activities such as typing, performing office work, and carrying files. These issues affect her ability to adequately meet deadlines and it is requested that this be given consideration at her place of employment.

**Signatures**

Electronically signed by : Joseph Galm, ; Jul 29 2016 2:51PM EST (Co-author)

CH - Ortho Scribe Sig:

Written by Joseph Galm, acting as a scribe for Dr. John M. Williams who was present during the entire encounter.

LVPg EAR NOSE AND THROAT - POND RD  
1575 POND RD  
ALLENTOWN PA 18104-2254  
Dept: 610-366-1366  
Dept Fax: 610-366-7412

December 3, 2019

To whom it may concern:

Jo Ann Fonzone has been a patient of mine since August 2019. The patient has a chronic history of hearing loss and tinnitus in the **left** ear which she associates with a prior traumatic head injury. I saw her recently after she developed sudden neurosensory hearing loss in the **right** ear due to labyrinthitis. With no usable hearing in the right ear, she needs a hearing aid in the left ear which is her only hearing ear. Given her degree of hearing loss, a hearing aid would be medically necessary.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul S. Lemberg MD". The signature is written in a cursive, flowing style.

Paul S Lemberg, MD





# Coordinated Health

Better. Together.

November 7, 2016

RE: FONZONE, JO ANN (0050341)

To Whom It May Concern:

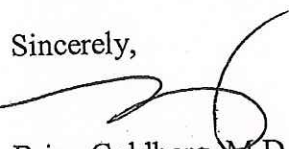
Jo Ann Fonzone is a 58-year-old female who is under my care for her current cervical spine condition in our Back and Neck Center at Coordinated Health. Ms. Fonzone has a history of chronic neck pain since being a victim of an aggravated assault on October 6, 2010. Patient has neck pain that radiates to the upper back and down the right upper extremity. She has recently received trigger point injections in the office setting and is scheduled to receive a right sided cervical epidural steroid injection in the coming weeks. She is also currently in physical therapy for her cervical spine condition. MRI of the cervical spine was recently done on October 6, 2016 and shows significant multilevel disc protrusions causing advanced foraminal stenosis and nerve root impingement.

The patient is scheduled for her cervical epidural steroid injection on November 17, 2016 and will need several weeks after the epidural injection to allow it to take effect and should decrease her activity level during that time. Patient was originally referred to me by Dr. Randy Jaeger, an orthopedist, who was treating her for shoulder issues. She is also seeing Dr. John Williams, another orthopedic, for shoulder issues. She has received shoulder steroid injections as well.

Due to the patient's ongoing cervical spine condition with ongoing treatment, she will need time to attend her physical therapy sessions, to have her injection procedures done and to recuperate from her injection procedures. This will significantly decrease her ability to perform work related tasks and we are requesting that she be allowed an extension on her current work deadlines through the end of the calendar year. She may ultimately need several epidural injections in the course of her treatment.

If there are any questions, please do not hesitate to contact me at 610-861-8080. Thank you for your attention to this matter.

Sincerely,

  
Brian Goldberg, M.D.  
BG/jm

Allentown	1503 N. Cedar Crest Blvd., Allentown, PA 18104	Phillipsburg	222 Red School Lane, Phillipsburg, NJ 08865
	1621 N. Cedar Crest Blvd., Allentown, PA 18104	Hazleton	1097 N. Church St., Hazleton, PA 18202
	1405 N. Cedar Crest Blvd., Allentown, PA 18104	Brodheads ville	Rte 115 & Switzgale Rd., Brodheads ville, PA 18322
Bethlehem	2775 Schoenersville Rd., Bethlehem, PA 18017	E Stroudsburg	505 Independence Rd., East Stroudsburg, PA 18301
	2300 Highland Ave., Bethlehem, PA 18020		511 VNA Rd., East Stroudsburg, PA 18301
	2030 Highland Ave., Bethlehem, PA 18020	Lehigh ton	239 N. First Street, Lehigh ton, PA 18235
	2310 Highland Ave., Bethlehem, PA 18020	Pittston	1120 Oak St., Pittston, PA 18640
	3100 Emrick Blvd., Bethlehem, PA 18020	Wind Gap	1411 Jacobsburg Rd., Wind Gap, PA 18091

Hospitals: 1503 N. Cedar Crest Blvd. 2310 Highland Ave. 511 VNA Rd.

877-247-8080 [www.coordinatedhealth.com](http://www.coordinatedhealth.com) 610-861-8080

## Fonzone, Jo Ann C

MRN: 00194191

**Office Visit** 12/13/2021  
LVH-CH 1503 N Cedar Crest  
Cardio Clinic

Provider: Prasant Pandey, MD (Cardiology)  
Primary diagnosis: Paroxysmal atrial fibrillation (HCC)  
Reason for Visit: Atrial Fibrillation

### Progress Notes

Prasant Pandey, MD (Physician) • Cardiology

#### LVPG Cardiology Progress Note

**NAME:** Jo Ann C Fonzone

#### ASSESSMENT AND PLAN:

- Paroxysmal atrial fibrillation (discovered 2010 after assault chest wall trauma in Philly - bruising without rib fx), on Eliquis. Controlled with propafenone, digoxin. Previously seen by Dr. Paul Gullota, SLHN.
  - Spontaneous oral/gum 11/2018 (2-3 days, spontaneously stopped after holding Eliquis). Was intolerant of both Eliquis and Xarelto with easy gum bleeding and bruising.
  - Intolerant of metoprolol with fatigue
  - Mild ectasia and dilation of ascending aorta 3.9 cm (3/2017 CT scan)
  - Echo 2/2018: Normal LVEF, normal valves, aortic root 3.9 cm. Echo 11/2018: NL LVEF, aortic root 3.9-4.0cm, unchanged. Echo 12/2019: NL LVEF, aortic root 3.9cm, unchanged.
  - Normal stress echo 3/2017. History of atypical CP.
  - Cervical fusion C5-7, 2017, intermittent right posterior neck and arm radicular discomfort
  - Lumbar laminectomy 1985, 1991
  - History of migraines, recently increasing episodes 11/2018, known to neurology
  - PCN Allergy
  - Advanced right ear tinnitus with loss of hearing in right ear 2019. Associated with disbalance and she fell on her right side with bruising. Etiology unclear after extensive neuro and ENT eval.
  - Occasional migraines with elevated BP's
- 

On propafenone and digoxin for her atrial fibrillation - this combo is workin'

Recurrent oral/gum oozing/bleeding (pink napkins), source unclear (negate ENT eval). Hold ASA 81mg x1mo, then resume. If bleeding recurs, reduce ASA 81mg to MWF.

Take home BP when she has a right temporal headache.

F/u 1yr with echo to keep an eye on her ascending aorta.

#### SUBJECTIVE:

Routine annual f/u.



She denies problems of chest pain, shortness of breath, orthopnea, PND, palpitations, syncope.

Recurrent gum/oral bleeding/oozing last few months on ASA 81mg daily. No other bleeding or bruising (skin, GI or GU)

### **ROS**

In addition to that documented in the HPI above, the additional ROS was obtained:

Constitutional: Denies fevers or chills

Eyes: Denies vision changes

CV: Denies chest pain

Resp: Denies increasing SOB

GI: Denies vomiting, diarrhea, blood in stool

GU: Denies hematuria or dysuria

MSK: Denies recent trauma

Skin: Denies new rashes

Neuro: Denies new weakness

Endocrine: Denies unexpected weight loss

Heme: Denies bleeding disorders

### **OBJECTIVE:**

#### **Current Outpatient Medications**

Medication	Sig	Dispense	Refill
• acetaminophen (TYLENOL) 325 MG tablet	Take 650 mg by mouth every 6 (six) hours as needed for mild pain (pain score 1-3).		
• albuterol (PROVENTIL HFA; VENTOLIN HFA; PROAIR HFA) 90 mcg/actuation inhaler	Inhale 2 puffs every 6 (six) hours as needed for wheezing.	3 each	0
• aspirin 81 MG EC tablet	Take 81 mg by mouth daily.		
• clonazepam (Klonopin) 1 MG tablet	Take 1 to 2 tabs PO qhs	60 tablet	2
• digoxin (LANOXIN) 125 mcg tablet	Take 1 tablet (0.125 mg total) by mouth daily.	90 tablet	3
• lidocaine (XYLOCAINE) 2 % jelly	Apply small amount to affected area up to 4 times daily as needed	60 mL	2
• lidocaine 5 % gel	Apply small to affected QID PRN	60 g	2
• multivitamin no.44-vit D3-K (SOFTGELS MULTIVIT-A,B,D,E,K,ZN) 1,000-800 unit-mcg cap	Take 1 tablet by mouth daily.		
• NON FORMULARY	DMG supplement		

• propafenone (RYTHMOL SR) 325 MG 12 hr capsule	TAKE 1 CAPSULE BY MOUTH TWO TIMES DAILY	180 capsule	3
• PSYLLIUM SEED, WITH DEXTROSE, (FIBER ORAL)	Take 2 tablets by mouth daily.		
• rimegepant (NURTEC ODT) 75 mg TbDL	Take 75 mg by mouth daily as needed (As needed for headache). Take one tab every other day for headache/migraine.	16 tablet	3
• rimegepant 75 mg TbDL	Take 75 mg by mouth every other day.	16 tablet	2
• SUMAtriptan (IMITREX) 25 MG tablet	TAKE 1 TABLET BY MOUTH AT ONSET OF HEADACHE, MAY REPEAT AFTER 2 HOURS. NOT TO EXCEED 4 TABLETS IN 24 HOURS	9 tablet	4
• tapentadol (NUCYNTA) 50 mg tablet	Take 1 tablet (50 mg total) by mouth 3 (three) times a day as needed for severe pain (pain score 7-10). Max Daily Amount: 150 mg	90 tablet	0
• VITAMIN B COMPLEX ORAL	TAKE 1 TABLET DAILY		

No current facility-administered medications for this visit.

#### Allergies

##### Allergen

- Codeine
- Penicillin
- Penicillins

##### Reactions

Nausea and/or vomiting and GI upset  
Rash  
Rash

BP 110/80 | Pulse 74 | Temp 96.7 °F (35.9 °C) (Temporal) | Resp 16 | Wt 48.1 kg (106 lb) | SpO2 99% | BMI 17.11 kg/m<sup>2</sup>

#### BP Readings from Last 3 Encounters:

12/13/21 110/80  
12/09/21 134/79  
11/30/21 118/70



**Physical Exam:**

**General Appearance:** Alert, cooperative, in no acute distress

**Eyes:** Sclerae anicteric.

**HEENT:** Normocephalic, atraumatic.

**Neck:** Supple, no JVD

**Cardiovascular:** Normal rate, regular rhythm. No edema, normal pulses

**Respiratory:** Breathing unlabored. Lungs clear to auscultation

**Gastrointestinal:** Normoactive bowel sounds. Abdomen soft, nontender to palpation.

**Musculoskeletal:** No back or joint deformity.

**Dermatologic:** Skin is warm and dry.

**Neurologic:** Alert and oriented and neurologic exam is grossly normal.

**Psychiatric:** Normal affect and mood.

**LABS:**

**Lab Results**

Component	Value	Date
GLUCOSE	78	11/30/2021
BUN	11	11/30/2021
CREATININE	0.88	11/30/2021
CALCIUM	9.7	11/30/2021
NA	139	11/30/2021
K	4.7	11/30/2021
CO2	30	11/30/2021
CL	104	11/30/2021
ALKPHOS	61	07/27/2021
ALBUMIN	3.9	07/27/2021
BILITOT	0.3	07/27/2021
PROT	6.9	07/27/2021
AST	15	07/27/2021
ALT	16	07/27/2021
ANIONGAP	5	11/30/2021
GFRC	69	10/27/2020

**Lab Results**

Component	Value	Date
WBC	5.3	07/27/2021
HGB	12.5	07/27/2021
HCT	36.7	07/27/2021
MCV	96	07/27/2021
PLT	325	07/27/2021

**Lab Results**

Component	Value	Date
CHOL	172	09/06/2013
HDL	75	09/06/2013
LDLCALC	85	09/06/2013


TRIG

62

09/06/2013

Prasant Pandey, MD

## Instructions

 Return in about 1 year (around 12/13/2022) for echo and OV in 1 yr.

After Visit Summary (Printed 12/13/2021)

## Additional Documentation

Vitals: BP 110/80 Pulse 74 Temp 96.7 °F (35.9 °C) (Temporal) Resp 16 Wt 48.1 kg (106 lb)

SpO2 99% BMI 17.11 kg/m<sup>2</sup> BSA 1.5 m<sup>2</sup>

Flowsheets: Vitals Reassessment

SmartForms: LV AMB ENCOUNTER STICKY NOTE

Encounter Info: Billing Info, History, Allergies, Detailed Report

## Media

From this encounter

[Media Unavailable] Electronic signature on 12/13/2021 12:54 PM - E-signed

## Orders Placed

ECHO 2D COMPLETE

ECG 12-LEAD (Resulted 12/13/2021)

## Medication Changes

As of 12/13/2021 1:11 PM

None

## Medication List at End of Visit

As of 12/13/2021 1:11 PM

	Refills	Start Date	End Date
<b>acetaminophen (TYLENOL) 325 MG tablet</b>			
Take 650 mg by mouth every 6 (six) hours as needed for mild pain (pain score 1-3). - oral			
Patient-reported medication			
<b>albuterol (PROVENTIL HFA;VENTOLIN HFA;PROAIR HFA) 90 mcg/actuation inhaler</b>	0	9/9/2021	9/9/2022



	Refills	Start Date	End Date
Inhale 2 puffs every 6 (six) hours as needed for wheezing. - inhalation			
<b>aspirin 81 MG EC tablet</b>			
Take 81 mg by mouth daily. - oral			
Patient-reported medication			
<b>clonazepam (Klonopin) 1 MG tablet</b>	2	11/18/2021	
Take 1 to 2 tabs PO qhs			
<b>digoxin (LANOXIN) 125 mcg tablet</b>	3	5/17/2021	
Take 1 tablet (0.125 mg total) by mouth daily. - oral			
<b>lidocaine 5 % gel</b>	2	11/8/2021	
Apply small to affected QID PRN			
<b>lidocaine (XYLOCAINE) 2 % jelly</b>	2	11/9/2021	
Apply small amount to affected area up to 4 times daily as needed			
Notes to Pharmacy: Please disregard prior script for 5% gel; pt is requesting 2%			
<b>MULTIVIT-A,B,D,E,K,ZN) 1,000-800 unit-mcg cap</b>		6/7/2011	
Take 1 tablet by mouth daily. - oral			
Patient-reported medication			
<b>NON FORMULARY</b>			
DMG supplement			
Patient-reported medication			
<b>propafenone (RYTHMOL SR) 325 MG 12 hr capsule</b>	3	11/15/2021	
TAKE 1 CAPSULE BY MOUTH TWO TIMES DAILY			
<b>PSYLLIUM SEED, WITH DEXTROSE, (FIBER ORAL)</b>			
Take 2 tablets by mouth daily. - oral			
Patient-reported medication			
<b>rimegepant sulfate</b>			
<b>rimegepant 75 mg TbDL</b>	2	11/29/2021	
Take 75 mg by mouth every other day. - oral			
<b>rimegepant (NURTEC ODT) 75 mg TbDL</b>	3	12/8/2021	
Take 75 mg by mouth daily as needed (As needed for headache). Take one tab every other day for headache/migraine. - oral			
Notes to Pharmacy: 16 tabs (two 8 packs) for a 32 day supply.			
<b>SUMatriptan (IMITREX) 25 MG tablet</b>	4	6/22/2021	
TAKE 1 TABLET BY MOUTH AT ONSET OF HEADACHE, MAY REPEAT AFTER 2 HOURS. NOT TO EXCEED 4 TABLETS IN 24 HOURS			
<b>tapentadol (NUCYNTA) 50 mg tablet</b>	0	11/30/2021	
Take 1 tablet (50 mg total) by mouth 3 (three) times a day as needed for severe pain (pain score 7-10). Max Daily Amount: 150 mg - oral			
<b>VITAMIN B COMPLEX ORAL</b>			
TAKE 1 TABLET DAILY			
Patient-reported medication			

## Visit Diagnoses

Primary: **Paroxysmal atrial fibrillation (HCC) I48.0**  
 Thoracic aortic aneurysm without rupture (HCC) I71.2

## Pharmacy Benefits

### ★ FONZONE, JO ANN - PA BASE PLAN NO ACCUMS (CVS|CAREMARK)

Covered: <b>Retail</b> , Specialty	Not covered: Mail Order	Unknown: Long-Term Care
Member ID: 24013039	BIN: 004336	DOB: 7/19/1958
Group ID: RX2338	PCN: ADV	Legal sex: F
Group name: GHP PA		Address: 631 PRIMROSE LN
MEDICAID/HPLUS		ALLENTOWN PA 18104
COPAY BP50		
ADULT		



## Fonzone, Jo Ann C

MRN: 00194191

**Office Visit** 11/30/2021  
LVH-CH 1621 N Cedar Crest  
Physiatry Clinic

Provider: Kenneth J Choquette, DO (Pain Medicine)  
Primary diagnosis: Facet arthritis of cervical region  
Reason for Visit: Neck Pain • Shoulder Pain • Back Pain

### Progress Notes

Kenneth J Choquette, DO (Physician) • Pain Medicine

**This is an established patient to interventional pain management for follow up visit. The following portions of the patient's history were reviewed and updated as appropriate: allergies, current medications, past family history, past medical history, past social history, past surgical history, and problem list. All treatment history reviewed and discussed with patient.**

#### Subjective:

**Patient ID:** Jo Ann C Fonzone is a 63 y.o. female.

**Presents today with ongoing chronic pain. Pain today is reported to be located in the right side of neck with referred pain into the right shoulder, right side of head. Weather changes increase symptoms. Patient had been scheduled for right cervical FJB, however patient cancelled stating provided short term relief. Has also been reading about long term side effects to steroids. Patient describes pain as constant, aching. Increased pain has resulted in decreased ROM. Cold temperatures increase symptoms. Present pain on a scale of 1 to 10 is a 8. Activities effected by the patient's pain include enjoyment of life, general activity, mood, recreational activities, and walking. Sleep can also be effected by pain. Pain partially relieved with rest, ice. Pain is controlled with current analgesics. Medications being used klonopin, lidocaine gel. Patient reports no side effects from these medications. Patient states lidocaine ointment 5% is more beneficial than OTC 2%. Awaiting prior auth for nucynta. Patient has not had refill in over a year. Medication was beneficial when she was utilizing. Patient denies changes to medical history.**

#### Past Medical History:

Diagnosis

Date

- Anxiety
- Broken wrist
- Cervical radiculopathy
- Concussion
- Headache
- Hyperinflation of lungs  
*per patient*
- Low back pain
- Paroxysmal atrial fibrillation (HCC)
- PBA (pseudobulbar affect)
- Pericardial effusion
- PTSD (post-traumatic stress disorder)
- Shoulder pain, right
- Subdural hematoma (HCC)
- Thoracoabdominal aortic aneurysm (TAAA) without rupture (HCC)
- TOS (thoracic outlet syndrome)

10/06/2010

#### Past Surgical History:

Procedure	Laterality	Date
• BACK SURGERY		
• BACK SURGERY <i>Hemilaminectomy</i>		
• CERVICAL DISCECTOMY		07/2017
• CERVICAL DISCECTOMY <i>Ant Spinal Discectomy, osteophytectomy Addl Cervical interspace</i>		
• LAMINECTOMY		
• LUMBAR LAMINECTOMY		

**Review of Systems**

Constitutional: Negative.

HENT: Negative.

Vision: Negative.

Respiratory: Negative.

Cardiovascular: Negative.

Gastrointestinal: Negative.

Endocrine: Negative.

Genitourinary: Negative.

Musculoskeletal: Positive for neck pain.

Skin: Negative.

Allergic/Immunologic: Negative.

Neurological: Negative.

Hematological: Negative.

Mental Health: Negative.

**Objective:**

**Vitals:**

11/30/21 1131  
BP: 118/70  
Pulse: 66  
Temp: 98 °F (36.7 °C)  
SpO2: 99%

**Physical Exam**

**HENT:**

Head: Normocephalic and atraumatic.

**Eyes:**

Extraocular Movements: EOM normal.

Pupils: Pupils are equal, round, and reactive to light.

**Cardiovascular:**

Rate and Rhythm: Normal rate and regular rhythm.

**Pulmonary:**

Effort: Pulmonary effort is normal.

Breath sounds: Normal breath sounds.

**Abdominal:**

General: Bowel sounds are normal.

Palpations: Abdomen is soft.



Neurological:

Mental Status: She is alert and oriented to person, place, and time.

Deep Tendon Reflexes: Reflexes are normal and symmetric.

Skin:

General: Skin is warm and dry.

Psychiatric:

Mood and Affect: Mood and affect normal.

Behavior: Behavior normal.

Thought Content: Thought content normal.

Judgment: Judgment normal.

**Tenderness to palpation para cervical spine right intensified with ROM, especially with extension, without upper extremity distal radicular symptoms.**

**Office Visit on 09/08/2021**

Component	Date	Value
• Fentanyl (MS)	11/08/2021	Negative
• Norfentanyl (MS)	11/08/2021	Negative
• Carisoprodol (MS)	11/08/2021	Negative
• Meprobamate (MS)	11/08/2021	Negative
• Meperidine (MS)	11/08/2021	Negative
• Normeperidine (MS)	11/08/2021	Negative
• Tramadol (MS)	11/08/2021	Negative
• O-Tramadol (MS)	11/08/2021	Negative
• Tapentadol (MS)	11/08/2021	Negative*
• N-Desmethyiltapentadol (M*)	11/08/2021	Negative*
• Ethyl Glucuronide (MS)	11/08/2021	Negative
• Ethyl Sulfate (MS)	11/08/2021	Negative
• Alcohol, EIA	11/08/2021	Negative
• Amphetamines, EIA	11/08/2021	Negative
• Barbiturates, EIA	11/08/2021	Negative
• Benzodiazepines, EIA	11/08/2021	See Confirmation
• Buprenorphine, EIA	11/08/2021	Negative
• Cannabinoids, EIA	11/08/2021	Negative
• Cocaine Metabolite, EIA	11/08/2021	Negative
• Opiates, EIA	11/08/2021	Negative
• Oxycodone, EIA	11/08/2021	Negative
• Methadone, EIA	11/08/2021	Negative
• Phencyclidine, EIA	11/08/2021	Negative
• Creatinine, Urine	11/08/2021	49.1
• Specific Gravity	11/08/2021	NORMAL
• pH, Urine	11/08/2021	NORMAL
• Nitrites, Urine	11/08/2021	NORMAL
• Pain Mgt Prescribed Drug*	11/08/2021	Tapentadol
• Pain Mgt Spec Type	11/08/2021	Urine, Random
• Pain Mgt Report Status	11/08/2021	Final
• Pain Mgt Comment	11/08/2021	SEE NOTES
• Alphahydroxyalprazolam (*)	11/08/2021	Negative
• 7-Aminoclonazepam (MS)	11/08/2021	141
• Hydroxymidazolam (MS)	11/08/2021	Negative
• Lorazepam (MS)	11/08/2021	Negative
• Temazepam (MS)	11/08/2021	Negative
• Diazepam (MS)	11/08/2021	Negative

- |                    |            |          |
|--------------------|------------|----------|
| • Nordiazepam (MS) | 11/08/2021 | Negative |
| • Oxazepam (MS)    | 11/08/2021 | Negative |

**Assessment/Plan:**

The patient was counseled regarding diagnosis, prognosis, the risks and benefits of treatment options, and the importance of compliance with the treatment plan.

- Cervical RFA discussed with patient, may provide longer relief than cervical FJB.

Patient wishes to proceed. Referral placed to LVPG Pain, Hausman Road, who will call patient to schedule.

- Cervical RFA medically necessary to decrease inflammation, improve function, provide pain relief. Patient reported 75% improvement in neck pain, including increased function, following right FJB, C3-4, C4-5, C5-6, lasting 1-2 weeks, making patient a candidate for RFA.

- Gentle stretching and ROM exercises daily

- Continue current medications without dose changes while utilizing injections to compliment benefits of medication

Random UDS not warranted at this time.

ORT On File <3 Low Risk

Checked the PA PDMP; no red flags identified; safe to proceed with prescriptions.

Patient suffers from significant intractable pain related to

**Problem List Items Addressed This Visit**

---

Musculoskeletal

**Facet arthritis of cervical region - Primary**

Other

**Chronic pain syndrome**

**Chronic neck pain**

Other Visit Diagnoses

**Cervical post-laminectomy syndrome**

therefore these medications are medically indicated to promote independent daily functioning, improve quality of life, and reduce suffering. Medications are managed via regular follow-up appointments, random urine drug testing, and an informed opioid agreement. The patient has been counseled on the risks of taking opioids including altered mental status, overdose, physical dependence, and addiction. Patient using benzodiazepines concurrent with narcotics without any clinical sequelae. A plan to decrease the dose and/or stop either opioid and/or benzodiazepine will be discussed with the patient should the patient experience side effects. It is not medically appropriate to taper either medication at this time. Proper use of medications discussed. Patient understands and agrees to use these medications only as prescribed. Patient agrees to obtain pain medications from this office only. Stay active as much as possible without causing increased pain. Guided HEP reviewed with patient, advised to continue as instructed. Patient understands and agrees with the treatment plan.

Return in about 3 weeks (around 12/21/2021).



**Scribe Attestation:** By signing my name below, I, Christine Rice attest that this documentation has been prepared under the direction and in the presence of Kenneth J Choquette, DO.  
Electronically signed: Christine Rice (Scribe) 11/30/2021 11:56 AM

**Physician Attestation:** I, Kenneth J Choquette, DO, personally performed the services described in this documentation. All medical record entries made by the scribe were at my direction and in my presence. I have reviewed the chart and discharge instructions (if applicable) and agree that the record reflects my personal performance and is accurate and complete.  
Kenneth J Choquette, DO 11/30/2021 12:00 PM

## Instructions

 Return in about 3 weeks (around 12/21/2021).

After Visit Summary (Printed 11/30/2021)

## Additional Documentation

Vitals: BP 118/70 Pulse 66 Temp 98 °F (36.7 °C) Ht 1.676 m (5' 6") Wt 48.1 kg (106 lb) SpO2 99%  
BMI 17.11 kg/m<sup>2</sup> BSA 1.5 m<sup>2</sup> Pain Sc 8 More Vitals  
Flowsheets: Patient-Reported Data  
Encounter Info: Billing Info, History, Allergies, Detailed Report

## Media

From this encounter

[Media Unavailable] Annotation on 11/30/2021 11:37 AM by Mychart, Generic: per patient above

## PDMP Review

The patient's Pennsylvania PDMP information was reviewed during this encounter.

## Orders Placed

AMB REF LVPG PROCEDURE SUITE-HAUSMAN ROAD Pending Review

## Medication Changes

As of 11/30/2021 11:59 AM

	Refills	Start Date	End Date
<b>Added: tapentadol (NUCYNTA) 50 mg tablet</b>	0	11/30/2021	
Take 1 tablet (50 mg total) by mouth 3 (three) times a day as needed for severe pain (pain score 7-10). Max Daily Amount: 150 mg - oral			

## Medication List at End of Visit

As of 11/30/2021 11:59 AM

	Refills	Start Date	End Date
--	---------	------------	----------

	Refills	Start Date	End Date
<b>acetaminophen (TYLENOL) 325 MG tablet</b>			
Take 650 mg by mouth every 6 (six) hours as needed for mild pain (pain score 1-3). - oral			
Patient-reported medication			
<b>albuterol (PROVENTIL HFA; VENTOLIN HFA; PROAIR HFA) 90 mcg/actuation inhaler</b>	0	9/9/2021	9/9/2022
Inhale 2 puffs every 6 (six) hours as needed for wheezing. - inhalation			
<b>aspirin 81 MG EC tablet</b>			
Take 81 mg by mouth daily. - oral			
Patient-reported medication			
<b>clonazepam (Klonopin) 1 MG tablet</b>	2	11/18/2021	
Take 1 to 2 tabs PO qhs			
<b>digoxin (LANOXIN) 125 mcg tablet</b>	3	5/17/2021	
Take 1 tablet (0.125 mg total) by mouth daily. - oral			
<b>lidocaine 5 % gel</b>	2	11/8/2021	
Apply small to affected QID PRN			
<b>lidocaine (XYLOCAINE) 2 % jelly</b>	2	11/9/2021	
Apply small amount to affected area up to 4 times daily as needed			
Notes to Pharmacy: Please disregard prior script for 5% gel; pt is requesting 2%			
<b>multivitamin no.44-vit D3-K (SOFTGELS MULTIVIT-A,B,D,E,K,ZN) 1,000-800 unit-mcg cap</b>		6/7/2011	
Take 1 tablet by mouth daily. - oral			
Patient-reported medication			
<b>NON FORMULARY</b>			
DMG supplement			
Patient-reported medication			
<b>propafenone (RYTHMOL SR) 325 MG 12 hr capsule</b>	3	11/15/2021	
TAKE 1 CAPSULE BY MOUTH TWO TIMES DAILY			
<b>PSYLLIUM SEED, WITH DEXTROSE, (FIBER ORAL)</b>			
Take 2 tablets by mouth daily. - oral			
Patient-reported medication			
<b>rimegepant 75 mg TbDL</b>	2	11/29/2021	
Take 75 mg by mouth every other day. - oral			
<b>SUMatriptan (IMITREX) 25 MG tablet</b>	4	6/22/2021	
TAKE 1 TABLET BY MOUTH AT ONSET OF HEADACHE, MAY REPEAT AFTER 2 HOURS. NOT TO EXCEED 4 TABLETS IN 24 HOURS			
<b>tapentadol (NUCYNTA) 50 mg tablet</b>	0	11/30/2021	
Take 1 tablet (50 mg total) by mouth 3 (three) times a day as needed for severe pain (pain score 7-10). Max Daily Amount: 150 mg - oral			
<b>VITAMIN B COMPLEX ORAL</b>			
TAKE 1 TABLET DAILY			
Patient-reported medication			

## Visit Diagnoses

Primary: **Facet arthritis of cervical region M47.812**  
 Cervical post-laminectomy syndrome M96.1



Chronic neck pain M54.2, G89.29  
 Chronic pain syndrome G89.4

## Pharmacy Benefits

★ FONZONE, JO ANN ANN - PA BASE PLAN NO ACCUMS (CVS|CAREMARK)

Covered: **Retail**, Specialty Not covered: Mail Order Unknown: Long-Term Care

Member ID: 24013039

BIN: 004336

DOB: 7/19/1958

Group ID: RX2338

PCN: ADV

Legal sex: F

Group name: GHP PA

Address: 2442 W TILGHMAN ST

MEDICAID/HPLUS

ALLENTOWN PA 18104

COPAY BP50

ADULT

Darlene Bishop  
4929 Wissahickon Ave  
Philadelphia, Pa 19144

To whom it may concern,

My name is Darlene Bishop I am a associate of Joann Fonozone. On September 26 2011 I was binging release and Ms. Fonozone and a few other female were on they way to count, expect Ms Fonozone this letter is letting you know she had to stay behind.

Sincerely Yours,

*Darlene Bishop*

Darlene Bishop



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JO ANN FONZONE aka JUDY MC GRATH, PLAINTIFF

VS.

NO:12-CV-5726  
JURY TRIAL DEMANDED  
CIVIL ACTION

JOE OTERI, ET AL , DEFENDANTS

PLAINTIFF'S MOTION FOR EXTENSION OF TIME FOR DISCOVERY AS SHE IS LIMITED BY CARDIAC CONDITION AND TREATMENT REQUIRES MORE TIME AND HAS NOT RECEIVED REPLIES OR SUFFICIENT ANSWERS FROM DISCOVERY SERVED UPON PARTIES AND NON-PARTIES SINCE MAY 2016

Medical treatment for Plaintiff's injuries of October 6, 2010 is continuous, ongoing and this year 2016 has included : treatment for chronic headaches and migraines, tinnitus, hearing loss, sternum chest pain and pressure, breathing difficulties from pulmonary contusion and chest trauma, heart condition of persistent atrial fibrillation, testing for trauma to liver, physical therapy for rotator cuff injury. Though physically disabled by the injuries of October 6, 2010, Plaintiff is compelled to keep working and represent herself in this action as her previous lawyer withdrew for health issues and this Court would not appoint a civil rights or injury firm to help her.

Plaintiff has appointments with her primary physician, pulmonary specialist and orthopaedic physicians in the next two weeks and has been going to physical therapy for as yet undetermined amount of time for her shoulder injury. Last week she had a cardiologist appointment.

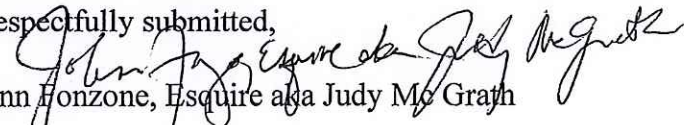
Plaintiff may participate in a program for chronic migraine sufferers as this chronic problem causes discomfort and is debilitating so that she cannot have a regular work life. Plaintiff also suffers from chronic fatigue associated with the heart condition of atrial fibrillation.

Though Plaintiff has served several sets of Interrogatories to parties and non-parties (as written depositions), she has not received replies to her Interrogatories. Therefore, discovery must remain open until Plaintiff receives replies to her discovery requests. Plaintiff has learned that some of those served with Interrogatories have retired and are no longer employed at the entities of the last known address of service and requires more time to locate and reserve Interrogatories.

Moreover, defense counsel has not held depositions upon some which he stated that he was going to depose.

WHEREFORE for all of the above reasons , Plaintiff respectfully requests a discovery extension until at least the end of the year so that Discovery can be thorough , complete, and fair .

Date: August 12, 2016

Respectfully submitted,  
  
Jo Ann Fonzone, Esquire aka Judy Mc Grath

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE EASTERN DISTRICT OF PENNSYLVANIA

3                   JOANN FONZONE,                   : 5:12-cv-05726-LDD  
4                                   Plaintiff,                   : PHILADELPHIA, PA  
5                   vs.                   :  
6                                   :  
7                   JOE OTERI, et al.,                   : October 15, 2015  
8                                   Defendants.                   : 4:10 p.m.

9                   TRANSCRIPT OF RULE 16 CONFERENCE  
10                   BEFORE THE HONORABLE LEGROME D. DAVIS  
11                   UNITED STATES DISTRICT JUDGE

12                   APPEARANCES:

13                   For the Plaintiff: JOANN FONZONE, ESQ.  
14                                   2242 TILGHMAN STREET  
15                                   ALLENTOWN, PA 18104  
16                                   PRO SE  
17                   For the Defendant: AARON SHOTLAND, ESQ.  
18                                   CITY OF PHILADELPHIA LAW DEPT.  
19                                   1515 ARCH ST., 14TH FL.  
20                                   PHILADELPHIA, PA 19102  
21                                   215-683-5434  
22                                   aaron.shotland@phila.gov

23                   AUDIO OPERATOR: DONNA CROCE  
24                   TRANSCRIBER: JANINE THOMAS  
25                                   NOTARY PUBLIC

(Proceedings recorded by electronic sound recording,  
transcript produced by transcription service.)

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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Jo Ann Fonzone aka Judy Mc Grath, Plaintiff

vs.

CIVIL ACTION  
NO: 12-5726

JOE OTERI , et al, Defendants

PLAINTIFF'S MOTION FOR RECONSIDERATION OF ORDER DENYING OPENING  
DISCOVERY BECAUSE FURTHER DISCOVERY IS SOUGHT FOR THE PURPOSES OF  
PRODUCTION OF DOCUMENTS AND DEPOSITIONS, NOT ONLY INTERROGATORY  
ANSWERS THOUGH THEY WERE NOT SUFFICIENTLY ANSWERED BY DEFENDANTS

Plaintiff , by and through her attorney, hereby requests this Honorable Court open Discovery for the  
purpose of obtaining needed information to proceed with this civil injury litigation as there is no  
valid reason to deny such request based on the insufficient information provided by defendants  
which does in fact prejudice Plaintiff in her effort to seek justice for all the injuries and damages  
she sustained as a direct result and consequence of the two incidents of aggravated assaults on  
October 6, 2010.

The first incident occurred at 5:45 p.m. when Plaintiff at her seat was without provocation pulled,  
pushed ,her head into the seat in front of her aggravatedly assaulted by a man Joe Oteri (who  
instead of getting medical help for Plaintiff as concussion symptoms began)brought police officer.  
Plaintiff was again aggravatedly assaulted ,thrown agaisnt the wall twice and struck by police  
nightstick on her chest repeatedly, assaulted by Officer kelewischki at precisely 6:14:58 p.m. (time  
appears on police audio CD) inside the police room after and because Plaintiff phoned 911 for help  
as she was in fear for her life.

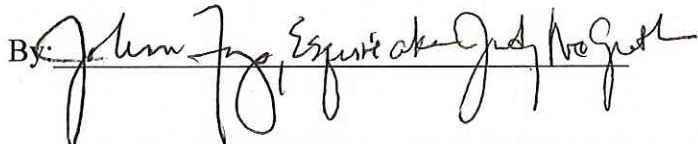


Plaintiff has requested defendants produce documents and anything from the scene including a videotape of the stadium concourse, to the best of Plaintiff's knowledge, information and belief does exist. Defendants have withheld other exculpatory evidence throughout the malicious prosecution of Plaintiff the innocent injured victim, and violated four discovery orders of Municipal Court Judges, so it is no stretch to know they are in possession of videotape evidence which depicts exactly what occurred in the concourse where plaintiff stood while holding onto the back of a stadium seat for 10-15 minutes watching the game, then without provocation, was grabbed and attacked without cause from behind by two male officers and dragged across the concourse and thrown into the stadium police room.

The fact that Plaintiff's Motion to compel Sufficient answers to her Interrogatories was denied should not preclude this court from granting that Motion and the current Motion from being granted if seeking the truth and facts are the actual goal of this litigation, rather than a cover-up.

WHEREFORE, Plaintiff respectfully requests based on the aforementioned, that this Honorable Court grant the relief requested herein in the interests of justice and full, complete and fair discovery in this injury litigation.

Dated: November 22, 2021

By:  Esquire aka Judy Mc Grath

Jo Ann Fonzone, Esquire aka Judy Mc Grath  
Plaintiff

#203914 (confidential status for personal safety  
631 Primrose Lane, Allentown, Pa 18104)

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JO ANN FONZONE AKA JUDY MC GRATH,  
PLAINTIFF

V.

NO. 12-5726  
CIVIL ACTION

JOE OTERI, ET AL,  
DEFENDANTS

PLAINTIFF'S REQUESTS FOR ADMISSIONS UNDER FEDERAL RULE  
OF CIVIL PROCEDURE 36

The Plaintiff, Jo Ann Fonzone aka Judy McGrath, asks the defendants named in the operative complaint of July 7, 2015, item 51 on Docket, to respond within 30 days to these requests admitting, for purposes of this action only and subject to objections to admissibility at trial:

1. The truth of each of the following statements:

Officer Kelewischski was on duty at Citizens bank Park October 6, 2010, yet his name was omitted from any police report after he falsely arrested her without probable cause when Joe Oteri falsely implicated Ms. Fonzone after he injured her by pushing her so her head was hit on the seat in front of her.

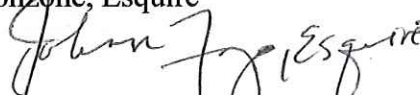
2. Officer Kelewischky erroneously believed Ms. Fonzone had a camera phone in the jail cell room at the stadium and was infuriated upon learning she had called 911 from the room after he threw her against the wall the first time.

- 3.- Every allegation in Plaintiff's complaint as each is fact.

WHEREFORE Plaintiff by and through her attorney Jo Ann Fonzone, Esquire respectfully request that this Honorable court deem all allegations of fact admitted as true in Plaintiff's operative complaint filed July 7, 2015.

dated: 7/07/2019

Respectfully submitted,  
Jo Ann Fonzone, Esquire





IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JO ANN FONZONE aka JUDY MC GRATH, PLAINTIFF

VS.

NO. 5:12-CV-5726  
CIVIL ACTION  
JURY TRIAL DEMANDED

JOE OTERI, ET AL , DEFENDANTS

PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS

1. All statements, memoranda, notes or writings, e-mails of any and all witnesses and parties you represent including any and all statements, memoranda, writings of defendants from October 6, 2010 to present .
2. All photographs, recordings, video, taken or prepared at Citizens bank park October 6, 2010, or by any defendant from October 6, 2010 to present.
3. Any and all documents containing the home and business addresses of all individuals contacted as potential witnesses.
4. All bills, receipts, diagnoses or prognoses and records for any and all medical, physical, psychiatric and/or psychological treatment by any doctor, hospital, psychologist, pharmacy, or medical facility for any injury, damage or treatment , including psych evals received by any defendant employee of Philadelphia you represent in the last ten years .
5. All medical records, employer's statements, police personnel files, employment records, military history including any Internal Affairs complaints or grievances against any defendant police officer , Internal Affairs investigator , bench warrant officer , or Riverside officer for any misconduct, any suspensions from work or any other disciplinary actions taken against the officers in the last ten years.
6. Reports of any and all experts who will testify at trial.
7. Any and all press releases in the possession of counsel for defendants.
8. Any and all Income tax returns filed by defendants and/or in his/her /their behalf within the three years immediately prior to October 6, 2010 up to and including the present.

9. Copy of every gun ownership certification or registration for every firearm kept in each defendant officers residence during the past ten years.
10. Information concerning superior's knowledge of all defendant officers alleged past violations and misconduct and what action, if any, was taken.
11. Any and all materials including emails, correspondence, related to the state district attorney's investigation of arrest and Plaintiff's Public corruption unit complaint of July 6, 2012 should be produced.
12. Plaintiff's fingerprint card taken at 1<sup>st</sup> Police district Philadelphia on October 6, 2010.
13. Any and all materials and files requested by Plaintiff in the Right -To\_Know requests to Philadelphia police department.
14. Letter of transmittal of Plaintiff's Internal Affairs complaint of Officers kelewischky, Bee, Kovacs, Ortiz with precise date of transmission to Philadelphia District Attorney's office, as protocol on back of IA complaint form requires, and copy of Plaintiff's Internal Affairs complaint with attachments, (including Plaintiff's Permanent Protection From Abuse Order from her estranged spouse).
15. Any and all written communications, including emails and facsimiles, between employees of the Philadelphia District attorney and the police, (including any response from then Commissioner Ramsay to Plaintiff's letter to him in July 2012), Plaintiff's defense attorneys or Court personnel about Plaintiff of prohibited ex parte nature from October 6, 2010 to present.
16. Any and all materials in Philadelphia police file which are Brady exculpatory and have not yet been disclosed to Plaintiff, including the precise date, reasons and circumstances surrounding the promotion of John Evans to Internal Affairs and the date he was reassigned to investigation of Plaintiff's IA complaint after her complaint had already been deemed valid and founded by a Lieutenant and another Sergeant.



CERTIFICATE OF SERVICE

I Jo Ann Fonzone , Esq. aka Judy Mc Grath, hereby certify that I have on this day caused to be served a true and correct copy of the FRCP 26 Plaintiff's Initial Discovery Disclosures upon the following at the addresses as listed below:

Aaron Shotland, Esq.  
Phila. Law dept.  
1515 Arch St., 14<sup>th</sup> floor  
Phila., Pa 19102

Phila. District attorney  
3 S.Penn Square  
Phila. ,Pa 19107

October 19, 2016

Jo Ann Fonzone, Esq. aka Judy Mc Grath

A handwritten signature in black ink, appearing to read "Jo Ann Fonzone Esq. aka Judy Mc Grath". The signature is fluid and cursive, with the first name "Jo Ann" being more prominent.

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT  
OF PENNSYLVANIA

JO ANN FONZONE AKA JUDY MC GRATH, PLAINTIFF

VS.

CIVIL ACTION 12-5726

JOE OTERI, ET AL , DEFENDANTS

PLAINTIFF'S MOTION TO COMPEL PRDUCTION OF DOCUMENTS OR THINGS IN  
PURSUANT TO SUBPOENA FILED AND SERVED UPON THE PHILLIES ORGANIZATION,  
CITY OF PHILADELPHIA, AND DEFENDER ASSOCIATES

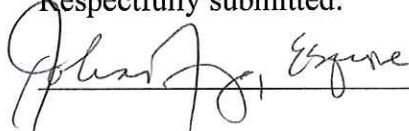
AND NOW, comes the Plaintiff , by and through her attorney, Jo Ann Fonzone, Esquire, and  
hereby requests this court Order the above mentioned parties to produce the videotape of the  
stadium concourse at section 108 of Ocotber 6, 2010 as stated on the subpoena to produce same  
mailed January 19, 2022 and received by parties Jnauary 24, 2022 by certified U. S. Mail.

Plaintiff has tracked the Requests of the certified mailings to the three named above and hereby  
includes evidence of the date of receipt and the signed certified card from the Phillies organization.  
Moreover, herein is included three Proof of Services pursuant to FRCP 34, and though perhaps not  
required ,Plaintiff has included these according to FRCP 45(a)(1)(c).

WHEREFORE , Plaintiff requests that this Honorable court Order one or all who have possession  
of the videotape or knowledge thereof, provide information of anyone else who has videotape ,  
to produce said videotape or file and serve official notification as to why they are all willfully in  
vioaltion of the Federal civil subponea 30 day ruleand when they will be in ful compliance with  
the Federal subpoena or provide Plaintiff with informtion as to who else has such videotape.

Date: March 2, 2022

Respectfully submitted:

 Esquire



AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

## UNITED STATES DISTRICT COURT

for the

Jo Ann Fawcett aka Judy McGrath  
Plaintiff

v.

Joe Otis et al  
Defendant(s)

Civil Action No. 12-5726

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Defenda Assoc., Dennis Kelly, 1441 Sanson St., Phila., Pa 19107  
(Name of person to whom this subpoena is directed)☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

Videotape of concourse section 108 of 10/06/10 - Phillies - Red's game

Place:	Date and Time:
--------	----------------

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 1/17/22

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) \_\_\_\_\_, who issues or requests this subpoena, are:

## Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

## UNITED STATES DISTRICT COURT

Eastern District of Pennsylvania

Jo Ann Fonzare aka Judy McGrath

Plaintiff

v.

Joe Oteri, et al

Defendants

Civil Action No. 12-5726

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTIONTo: Aaron Shotland, City of Philadelphia, 1515 Arch St, Phila, PA  
(Name of person to whom this subpoena is directed) 19102☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material:

videotape of concourse section 108 of 10/06/10 Phillies-Reds game

Place: 631 Primrose Lane, Allentown, PA 18104	Date and Time: upon receipt of subpoena
--------------------------------------------------	--------------------------------------------

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:	Date and Time:
--------	----------------

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 1/17/22

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR John F. Esquire  
Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiff, who issues or requests this subpoena, are:

Jo Ann Fonzare Esq, aka Judy McGrath, 631 Primrose Lane Allentown PA 18104

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).



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January 24, 2022 at 10:23 am  
PHILADELPHIA, PA 19107

**Get Updates** ✓

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<b>Tracking History</b>	✓
<b>USPS Tracking Plus™</b>	✓
<b>Product Information</b>	✓

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Go to our [FAQs](#) section to find answers to your tracking questions.

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*I received this subpoena for *(name of individual and title, if any)* \_\_\_\_\_on *(date)* \_\_\_\_\_☒ I served the subpoena by delivering a copy to the named person as follows: \_\_\_\_\_*City of Philadelphia**Aaron Shetland*on *(date)* \_\_\_\_\_

; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*\_\_\_\_\_  
*Printed name and title*\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc.: \_\_\_\_\_



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Your item has been delivered to an agent for final delivery in PHILADELPHIA, PA 19148 on January 21, 2022 at 8:12 am.

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January 21, 2022 at 8:12 am  
PHILADELPHIA, PA 19148

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Tracking History	∨
USPS Tracking Plus™	∨
Product Information	∨

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Total Up to \$50.00 included \$8.95  
 Priority Mail® 1-Day 1 \$8.95  
 Flat Rate Env  
 Philadelphia, PA 19107  
 Flat Rate  
 Expected Delivery Date *Delivered Jan. 24*  
 Thu 01/20/2022 *Del. Area*  
 Tracking #: 9505 5265 0352 2019 5534 19  
 Insurance Up to \$50.00 included \$0.00  
 Total \$8.95  
 US Flag Bklt/20 1 \$11.60 \$11.60  
 First-Class Mail® 1 \$0.58  
 Letter  
 Philadelphia, PA 19148  
 Weight: 0 lb 0.30 oz *Philis*  
 Estimated Delivery Date *Delivered Jan. 21*  
 Sat 01/22/2022 \$3.75  
 Certified Mail®  
 Tracking #: 70212720000011064070  
 Return Receipt \$3.05  
 Tracking #: 9590 9402 7044 1225 5956 79  
 Total \$7.38

Grand Total: \$36.88

\*\*\*\*\*  
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 \*\*\*\*\*

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All sales final on stamps and postage.  
 Thank you for your business.

UFN: 410128-5558  
 Receipt #: 840-21700701-2-3217736-2  
 Clerk: 00



AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action

## UNITED STATES DISTRICT COURT

for the  
Eastern District of Pennsylvania

Jo Ann Fonzzone aka Judy McGrath

Plaintiff

v.

Joe Oteri, et al

Defendant

Civil Action No. 12-5726

SUBPOENA TO PRODUCE DOCUMENTS, INFORMATION, OR OBJECTS  
OR TO PERMIT INSPECTION OF PREMISES IN A CIVIL ACTION

To: The Phillies Organization

(Name of person to whom this subpoena is directed)

☒ **Production:** YOU ARE COMMANDED to produce at the time, date, and place set forth below the following documents, electronically stored information, or objects, and to permit inspection, copying, testing, or sampling of the material: VIDEOTAPE OF CONCOURSE SECTION 108 OF 10/06/10 Phillies - Reds game

Place:

631 Primrose Lane, Allentown, PA 18104

Date and Time:

Upon receipt of subpoena

☐ **Inspection of Premises:** YOU ARE COMMANDED to permit entry onto the designated premises, land, or other property possessed or controlled by you at the time, date, and location set forth below, so that the requesting party may inspect, measure, survey, photograph, test, or sample the property or any designated object or operation on it.

Place:

Date and Time:

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 1/17/22

CLERK OF COURT

Signature of Clerk or Deputy Clerk

OR

John F. Esquire  
Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Plaintiff, who issues or requests this subpoena, are:

Jo Ann Fonzzone, Esq. aka Judy McGrath, 631 Primrose Lane, Allentown, PA 18104 Jo76ey@aol.com

## Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things or the inspection of premises before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for (name of individual and title, if any) \_\_\_\_\_

on (date) \_\_\_\_\_

☒ I served the subpoena by delivering a copy to the named person as follows:

*Phillie's Organization*  
*Office Manager - One Citizem Park Way, Philadelphia 19148* *certified mail*  
 on (date) *1/19/22*; or

☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
 \$ \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ *cert mail* ~~0.00~~ *7.38*.

I declare under penalty of perjury that this information is true.

Date: *1/19/22*

*John F. Esquivel*  
 \_\_\_\_\_  
 Server's signature

*John F. Esquivel*  
 \_\_\_\_\_  
 Printed name and title

*631 Primrose Lane, Allentown, PA 18104*  
 \_\_\_\_\_  
 Server's address

Additional information regarding attempted service, etc.: \_\_\_\_\_



AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

Civil Action No. \_\_\_\_\_

videotape

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for (name of individual and title, if any) \_\_\_\_\_

on (date) \_\_\_\_\_

☒ I served the subpoena by delivering a copy to the named person as follows:Dennis Kelly - 1441 Sanson St., Philadelphia PA 19107  
on (date) 1/19/22 ; or☐ I returned the subpoena unexecuted because: \_\_\_\_\_

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of \$ \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 7.38 <sup>certified</sup> ~~4.00~~

I declare under penalty of perjury that this information is true.

Date: 1/19/22

John J. Esquire  
Server's signature  
Jo Ann Fonzore Esquire  
Printed name and title631 Primrose Lane, Allentown PA 18104  
Server's address  
(confidential)

Additional information regarding attempted service, etc.: \_\_\_\_\_

AO 88B (Rev. 02/14) Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action (Page 2)

CIVIL ACTION NO.

Videotape

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)*

I received this subpoena for (name of individual and title, if any)

on (date)

☒ I served the subpoena by delivering a copy to the named person as follows:

Aaron Shotland  
 City of Philadelphia Civil rights section, 1515 Arch St., 14th floor  
 Philadelphia, PA 19102 on (date) ; or

☐ I returned the subpoena unexecuted because:

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also  
 tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of  
 \$

My fees are \$

for travel and \$

for services, for a total of \$

certified mailing  
 7.38 0.00

I declare under penalty of perjury that this information is true.

Date:

1/19/22

Jo Ann Ferzone, Esquire  
 Server's signature

Jo Ann Ferzone Esquire  
 Printed name and title

631 Primrose Lane, Allentown PA 18104  
 Server's address (confidential)

Additional information regarding attempted service, etc.:



IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JO ANN FONZONE AKA JUDY MC GRATH,  
PLAINTIFF

VS.

NO. 12-5726  
CIVIL ACTION

JOE OTERI, ET AL , DEFENDANTS



PRETRIAL STIPULATION

1. FACTS .There was no Affidavit of Probable cause made out by any arresting officer and no warrant ; ergo the arrest of Jo Ann Fonzone on October 6, 2010 was unlawful. It was a pretext arrest for whatever reason; perhaps her 'Support Your Veterans ' red canvas bag was offensive to lead defendant Oteri or others so they targeted her or was it that Oteri went to the wrong section as he stated in Municipal court and harassed Fonzone who was doing nothing wrong or illegal at her seat in Section 108. In court, Oteri stated several times he went to Section 107 as there was an unruly person there. He boasted about strolling around looking for problems in the crowd, writing up police reports as though he was an officer or delegated police duties ,  
.Oteri was a state actor because he determined probable cause , whatever that was as there was no officer at the scene when he unlawfully touched , without her consent then struggled with Plaintiff so her head hit the stadium seat in front of her, then rather than bringing medical help, he went to get a police officer , a male officer, it is still unknown what he said to him or what law Oteri determined Plaintiff had broken .Plaintiff had requested probable cause information since November 2010.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JOANNE FONZONE, :  
 : CIVIL ACTION  
Plaintiff, :  
 :  
v. : NO. 12-5726  
 :  
JOE OTERI, et al., :  
 :  
Defendants. :

**ORDER**

**AND NOW**, this 10<sup>th</sup> day of March, 2022, after conducting a telephonic pretrial conference with counsel for the Defendants and Plaintiff Joanne Fonzone, it is **HEREBY ORDERED** that Plaintiff shall show cause why this matter should not be dismissed for failure to prosecute based on Ms. Fonzone's representation to this Court during the telephonic pretrial conference that she will not be prepared to proceed to trial on April 19, 2022. Plaintiff shall have seven (7) days from the date of this Order to show cause in writing why this action should not be dismissed for failure to prosecute. Defendants may also file a written submission within seven (7) days from the date of this Order. Failure to comply with this Order will result in dismissal of this action for failure to prosecute. The Clerk of Court is directed to email and mail via regular mail Plaintiff a copy of this Order.

BY THE COURT:

/s/ Marilyn Heffley  
MARILYN HEFFLEY  
UNITED STATES MAGISTRATE JUDGE

*Plaintiff did not  
receive Order  
by U.S. mail,  
went to clerk  
in Allentown, got copy  
and handwritten  
Reply to Show Cause  
Order of March 10,  
2022*



**From:** noreply@website.americanbar.org,

**To:** jo76erjo@aol.com,

**Subject:** American Bar Association - Reset Your Password

**Date:** Sun, May 22, 2022 1:30 pm

---

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If you did not make this request, you may disregard this email or cal

Sincerely,

American Bar Association

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**Appendix:** A minimum of four copies of the appendix must be filed and served. You must also file a certificate of service. FRAP 30(a)(3); LAR 30.

**Motions:** You must send an original and three copies (total of four) of any motion to the Clerk, with a certificate of service. FRAP 25(d), 27(d)(3).

**Petition for rehearing in banc:** An original and 15 copies must be filed; you must serve all opposing parties. If you are proceeding in forma pauperis you must still file an original and 15 copies.

#### **ANSWERS TO FREQUENTLY ASKED QUESTIONS**

**Will the Court appoint counsel for me?** Both case law and statutes strictly limit the situations in which the Court can appoint counsel or request the services of volunteer counsel. Generally counsel is appointed only if you cannot afford to retain counsel and your appeal involves complex criminal, habeas corpus, or civil rights issues. To request the Court to appoint counsel, you should file a motion for the appointment of counsel stating reasons why counsel is necessary, and serve opposing counsel.

**How is my case decided?** Once all briefs have been filed (appellant's and appellee's), your case will be placed in a ready pool. Cases that were ready before yours will be sent by the Clerk to the Court first.

The judges will very carefully analyze the lower court records, briefs, and appendices in your case. Oral argument is not a right. The judges will ask for oral argument only when they think it will be useful in deciding a case. 3rd Cir. LAR 34.1. If the Court orders oral argument, you will be notified by the clerk ten (10) days in advance. Otherwise, the case is considered only on the record, briefs, and appendix. Three judges will decide your case, applying the appropriate legal standards. Note: it is inappropriate to contact the judges directly. Direct all correspondence either to the Clerk's Office or to the Staff Attorney's Office.

**Will there be an opinion?** According to IOP Chapter 6, the judges will write opinions only when there is reason to do so. There is no right to an opinion. If the panel members agree unanimously that the district court decision was not clearly erroneous, that a jury verdict is supported by the facts, that the record supports an agency decision, that no error of law is present, that the district court did not abuse its discretion, or that the court lacks jurisdiction, the Court may affirm the decision of the district court by JUDGMENT ORDER.

**What if I lose?** Despite your arguments to the contrary, you may lose an appeal. If you disagree with this Court's final decision, you may file a petition for rehearing in this Court. The Clerk's Office will send information regarding petitions for rehearing at the appropriate time. Alternatively, you may file a petition for writ of certiorari in the Supreme Court of the United States, 1 First Street, N.E., Washington, D.C., 20543. Contact that Court for further information (202-479-3000).

1/27/00



		AMENDED COMPLAINT BY 6/18/15 TO ADDRESS THE DEFICIENCIES DISCUSSED IN THIS ORDER. SIGNED BY HONORABLE LEGROME D. DAVIS ON 6/3/15. 6/3/15 ENTERED AND COPIES MAILED TO PRO SE AND E-MAILED.(mbh, ) . (Entered: 06/03/2015)
06/03/2015	<u>43</u>	ORDER THAT PLAINTIFF'S MOTION FOR RECONSIDERATION OF ORDER OF 3/30/15 IS DENIED. SIGNED BY HONORABLE LEGROME D. DAVIS ON 6/3/15. 6/3/15 ENTERED AND COPIES MAILED TO PRO SE AND E-MAILED.(mbh, ) (Entered: 06/03/2015)
06/03/2015	<u>44</u>	NOTICE of Appearance by AARON SHOTLAND on behalf of LESINETTE ORTIZ with Certificate of Service(SHOTLAND, AARON) (Entered: 06/03/2015)
06/05/2015	<u>45</u>	NOTICE of Withdrawal of Appearance by DIMITRIOS MAVROUDIS on behalf of LESINETTE ORTIZ(MAVROUDIS, DIMITRIOS) (Entered: 06/05/2015)
07/07/2015	<u>46</u>	SECOND AMENDED COMPLAINT against All Defendants., filed by JOANN FONZONE.(lbs, ) Modified on 7/16/2015 (nd). (Entered: 07/07/2015)
07/08/2015	<u>47</u>	ORDER THAT DEFTS OFFICERS KELECHEWISKY, BEE, & KOVAC SHALL ANSWER OR OTHERWISE RESPOND TO THE AMENDED COMPLAINT ON OR BEFORE 7/21/2015. SIGNED BY HONORABLE LEGROME D. DAVIS ON 7/7/15. 7/8/15 ENTERED AND COPIES E-MAILED AND MAILED TO PRO SE PLFF.(kw, ) (Entered: 07/08/2015)
07/08/2015	<u>48</u>	PETITION for leave of court to file supplemental claims as included as Counts VII and VIII in amended complaint, Certificate of Service, filed by PRO SE PLFF JOANN FONZONE. (kw, ) (Entered: 07/08/2015)
07/20/2015	<u>49</u>	Response to Petition to Amend re <u>48</u> Application/Petition by JOE OTERI, PHILLIES. (Attachments: # <u>1</u> Certificate of Service) (FOSTER, ROBERT) (Entered: 07/20/2015)
07/21/2015	<u>50</u>	ANSWER to 46 Amended Complaint by OFFICER BEE, OFFICER KELECHEWISKY, OFFICER KOVAC, LESINETTE ORTIZ.(SHOTLAND, AARON) (Entered: 07/21/2015)
07/22/2015	<u>51</u>	ORDER THAT PLAINTIFF'S REQUEST FOR LEAVE OF THE COURT TO INCLUDE SUPPLEMENTAL CLAIMS IS DENIED. PLAINTIFF'S REQUEST FOR APPOINTMENT OF COUNSEL TO ASSIST HER IS DENIED. ALL PARTIES ARE INSTRUCTED THAT THE <u>OPERATIVE COMPLAINT IN THIS MATTER IS THE DOCUMENT ENTITLED "AMENDED COMPLAINT" AND DOCKETED AS "SECOND AMENDED COMPLAINT" FILED JULY 7, 2015. THIS DOCUMENTS IS PROPERLY REFERRED TO AS "THIRD AMENDED COMPLAINT"</u> . SIGNED BY HONORABLE LEGROME D. DAVIS ON 7/22/15. 7/23/15 ENTERED AND COPIES MAILED TO PRO SE AND E-MAILED.(mbh, ) (Entered: 07/23/2015)
08/11/2015	<u>52</u>	PLAINTIFF'S MOTION FOR LEAVE TO FILE REPLY TO DEFENDANTS ANSWER PURSUANT TO FEDERAL RULE CIVIL PROCEDURE 7(a)(7) filed by JOANN FONZONE.. (Attachments: # <u>1</u> REPLY, # <u>2</u> REPLY)(lbs, ) (Entered: 08/11/2015)





05/02/2018	<u>123</u>	ORDER THAT PLAINTIFFS MOTION FOR RECONSIDERATION (DOCKET NO. <u>111</u> ) IS DENIED; PLAINTIFFS MOTION TO COMPEL FURTHER RESPONSES TO INTERROGATORIES (DOCKET NO. <u>116</u> ) IS DENIED; AND PLAINTIFFS MOTION FOR EXTENSION OF TIME TO REPLY TO DEFENSE RESPONSE TO MOTION AND FOR MISCELLANEOUS RELIEF (DOCKET NO. <u>122</u> ) IS DENIED. SIGNED BY HONORABLE JEFFREY L. SCHMEHL ON 5/2/18. 5/3/18 ENTERED AND COPIES MAILED TO PRO SE, E-MAILED. (mas, ) (Entered: 05/03/2018)
10/05/2018	<u>124</u>	ORDER THAT A CASE MANAGEMENT CONFERENCE SHALL BE HELD ON OCTOBER 30, 2018, AT 11:00 A.M. IN THE COURTROOM OF THE UNDERSIGNED, MADISON BUILDING, 400 WASHINGTON STREET, READING, PENNSYLVANIA. SIGNED BY HONORABLE JEFFREY L. SCHMEHL ON 10/5/18. 10/5/18 ENTERED AND COPIES MAILED TO PRO SE AND E-MAILED.(mas, ) (Entered: 10/05/2018)
10/17/2018	<u>125</u>	Letter from Joann Fonzone. RE: Request in change on the schedule. (DT) (Entered: 10/17/2018)
10/23/2018	<u>126</u>	ORDER THAT THE CASE MANAGEMENT CONFERENCE PREVIOUSLY SCHEDULED FOR OCTOBER 30, 2018 IS RESCHEDULED TO WEDNESDAY, DECEMBER 12, 2018 AT 2:00 P.M. IN THE COURTROOM OF THE UNDERSIGNED, THE MADISON BUILDING, 400 WASHINGTON STREET, READING, PENNSYLVANIA. SIGNED BY HONORABLE JEFFREY L. SCHMEHL ON 10/23/18. 10/24/18 ENTERED AND COPIES MAILED TO PRO SE AND E-MAILED.(mas, ) Modified on 10/24/2018 (mas, ). (Entered: 10/24/2018)
12/12/2018	<u>127</u>	Minute Entry for proceedings held before HONORABLE JEFFREY L. SCHMEHL. Pretrial Conference held on 12/12/18. Court questions plaintiff and defense counsel. Telephone call made on record to <u>Attorney Middleton</u> . Conference continued to a date to be determined. (mas, ) (Entered: 12/12/2018)
12/13/2018	<u>128</u>	ORDER THAT A CASE MANAGEMENT CONFERENCE SHALL BE HELD ON JANUARY 24, 2019, AT 1:30 P.M. IN THE COURTROOM OF THE UNDERSIGNED, 400 WASHINGTON STREET, READING, PENNSYLVANIA. SIGNED BY HONORABLE JEFFREY L. SCHMEHL ON 12/13/18. 12/14/18 ENTERED AND COPIES MAILED TO PRO SE AND E-MAILED.(mas, ) (Entered: 12/14/2018)
01/23/2019	<u>129</u>	ORDER THAT THE CASE MANAGEMENT CONFERENCE PREVIOUSLY SCHEDULED FOR JANUARY 24, 2019 IS RESCHEDULED TO TUESDAY, FEBRUARY 19, 2019 AT 10:00 A.M. IN THE COURTROOM OF THE UNDERSIGNED, THE MADISON BUILDING, 400 WASHINGTON STREET, READING, PENNSYLVANIA. SIGNED BY HONORABLE JEFFREY L. SCHMEHL ON 1/23/19. 1/23/19 ENTERED AND COPIES MAILED TO PRO SE AND E-MAILED.(mas, ) (Entered: 01/23/2019)



11/05/2021	<u>196</u>	ORDER THAT PLAINTIFF'S MOTION TO OPEN DISCOVERY IS <u>DENIED</u> . SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 11/5/21.11/5/21 ENTERED AND COPIES NOT MAILED TO PRO SE AND E-MAILED.(mbh, ) (Entered: 11/05/2021)
11/05/2021		COPY OF DOC. NO. 196 HAS BEEN <u>MAILED TO</u> , FONZONE. (bw, ) (Entered: 11/05/2021)
11/22/2021	<u>197</u>	MOTION FOR RECONSIDERATION OF ORDER DENYING OPENING DISCOVERY BECAUSE OF FURTHER DISCOVERY IS SOUGHT FOR THE PURPOSES OF PRODUCTION, ETC. filed by JOANN FONZONE.CERTIFICATE OF SERVICE (Delivered personally) . (er, ) Modified on 11/22/2021 (er, ). (Entered: 11/22/2021)
11/23/2021	<u>198</u>	ORDER THAT PLAINTIFF'S MOTION FOR RECONSIDERATION OF ORDER DENYING OPENING DISCOVERY IS <u>DENIED</u> . PLAINTIFF HAS NOT MADE THE REQUISITE SHOWING FOR RECONSIDERATION OF THE COURT'S 11/5/21 ORDER DENYING PLAINTIFF'S MOTION TO OPEN DISCOVERY. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 11/23/21.11/23/21 ENTERED AND COPIES E-MAILED.(mbh, ) (Entered: 11/23/2021)
03/01/2022	<u>199</u>	ORDER THAT A TELEPHONE CONFERENCE WILL BE HELD ON 3/10/2022 AT 9:30 AM BEFORE MAGISTRATE JUDGE MARILYN HEFFLEY. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 3/1/22. 3/1/22 ENTERED AND <u>COPIES E-MAILED</u> .(mbh) (Entered: 03/01/2022) <i>never got notice</i>
03/01/2022	<u>200</u>	PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS OR THINGS IN PURSUANT TO SUBPOENA FILED AND SERVED UPON THE PHILLIES ORGANIZATION, CITY OF PHILADELPHIA, AND DEFENDER ASSOCIATES FILED BY JOANN FONZONE. CERTIFICATE OF SERVICE. (mas) (Entered: 03/04/2022)
03/08/2022		COPY OF DOC. NO. <u>199 HAS BEEN MAILED TO</u> PRO SE, FONZONE. (bw) (Entered: 03/08/2022)
03/10/2022	<u>201</u>	ORDER THAT PLAINTIFF'S MOTION TO COMPEL PRODUCTION OF DOCUMENTS OR THINGS PURSUANT TO SUBPOENA FILED AND SERVED UPON THE PHILLIES ORGANIZATION IS <u>DENIED</u> . DISCOVERY HAS BEEN CLOSED SINCE 10/5/20. SIGNED BY <u>MAGISTRATE JUDGE MARILYN HEFFLEY</u> ON 3/10/22.3/10/22 ENTERED AND COPIES E-MAILED.(mbh) (Entered: 03/10/2022)
03/10/2022	<u>202</u>	ORDER THAT PLAINTIFF SHALL SHOW CAUSE WHY THIS MATTER SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE BASED ON MS. FONZONE'S REPRESENTATION TO THIS COURT DURING THE TELEPHONIC PRETRIAL CONFERENCE THAT SHE WILL NOT BE PREPARED TO PROCEED TO TRIAL ON 4/19/22. PLAINTIFF SHALL HAVE 7 DAYS FROM THE DATE OF THIS ORDER TO SHOW CAUSE IN WRITING WHY THIS ACTION SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE. THE CLERK OF COURT IS DIRECTED TO EMAIL AND MAIL VIA REGULAR MAIL PLAINTIFF A COPY OF THIS ORDER. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 3/10/22. 3/10/22 ENTERED AND COPIES MAILED AND E-MAILED.(mbh) Modified on 3/10/2022 (mbh). (Entered: 03/10/2022)
03/10/2022	<u>203</u>	NOTICE of Appearance by Katelyn Lori Mays on behalf of OFFICER



		KELECHEWISCKY, OFFICER KOVAC, LESINETTE ORTIZ with Certificate of Service(Mays, Katelyn) (Entered: 03/10/2022)
03/21/2022	<u>204</u>	NOTICE by JOANN FONZONE: CAUSE WHY THIS PERSONAL INJURY ACTION SHALL NOT BE UNJUSTLY DISMISSED. (DELIVERED PERSONALLY) (er) Modified on 3/21/2022 (er). (Entered: 03/21/2022)
03/22/2022	<u>205</u>	Response to the Court's Rule to Show Cause for Failure to Prosecute filed by OFFICER KELECHEWISCKY, OFFICER KOVAC, LESINETTE ORTIZ.Memorandum, Certificate of Service.(FARIS, KATHRYN) Modified on 3/23/2022 (fb). (Entered: 03/22/2022)
03/23/2022	<u>206</u> <i>didn't get order</i>	ORDER THAT THE JURY TRIAL SCHEDULED TO BEGIN ON 4/19/22 IS STAYED PENDING THE COURT'S RESOLUTION OF THE RULE TO SHOW CAUSE WHY THIS MATTER SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE. <u>THE CLERK OF COURT IS DIRECTED TO EMAIL AND MAIL VIA REGULAR MAIL A COPY OF THIS ORDER.</u> SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 3/23/22. 3/23/22 ENTERED AND COPIES MAILED AND E-MAILED.(mbh) (Entered: 03/23/2022)
03/23/2022		(Court only) ***Deadlines terminated. (mbh) (Entered: 03/23/2022)
03/24/2022		PAPER #201, #202 AND #206 MAILED TO PRO SE (JL) (Entered: 03/24/2022)
03/25/2022	<u>207</u>	Response to the Court's Rule to Show Cause for Failure to Prosecute filed by OFFICER BEE.Memorandum, Rule to Show Cause, Certificate of Service. (BINNS, JAMES) Modified on 3/30/2022 (fb). (Entered: 03/25/2022)
03/28/2022	<u>208</u>	Certificate of Service filed by JOANN FONZONE. (mbh) (Entered: 03/28/2022)
03/30/2022	<u>209</u>	Amended Response to the Court's Rule to Show Cause for Failure to Prosecute filed by OFFICER BEE.(BINNS, JAMES) Modified on 3/31/2022 (fb). (Entered: 03/30/2022)
04/04/2022	<u>210</u> <i>Get this Order in U.S. mail</i>	ORDER THAT PLAINTIFF SHALL HAVE UNTL 4/18/22 IN WHICH TO FILE A REPLY TO DEFENDANTS' RESPONSE TO THE COURT'S RULE TO SHOW CAUSE FOR FAILURE TO PROSECUTE (DOC NOS 205, 207 AND 209). NO FURTHER EXTENSIONS SHALL BE GRANTED, THE CLERK OF COURT IS DIRECTED TO EMAIL AND <u>MAIL VIA REGULAR MAIL PLAINTIFF A COPY OF THIS ORDER.</u> SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 4/4/22. 4/4/22 ENTERED AND COPIES NOT MAILED TO PRO SE AND E-MAILED.(mbh) ). (Entered: 04/04/2022)
04/05/2022		COPY OF DOC. NO. 210 HAS BEEN MAILED TO PRO SE. (bw) (Entered: 04/05/2022)
04/18/2022	<u>211</u>	Plaintiff's Reply to Defendants Response and Motion to Dismiss Personal Injury/Civil Rights Action for Lack of Prosecution filed byJOANN FONZONE. Certificate of Service. (mas) (Entered: 04/19/2022)
04/22/2022	<u>212</u>	MEMORANDUM AND/OR OPINION. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 4/22/22. 4/22/22 ENTERED AND COPIES E-MAILED.(mbh) (Entered: 04/22/2022) <i>Get this order May 31 in Atlantic City</i>
04/22/2022	<u>213</u> <i>didn't get Order until 5/31</i>	ORDER THAT PLAINTIFF'S CASE IS DISMISSED WITH PREJUDICE FOR FAILURE TO PROSECUTE PURSUANT TO FRCP 41(b). THE CLERK OF COURT SHALL MARK THIS CASE CLOSED. SIGNED BY MAGISTRATE JUDGE MARILYN HEFFLEY ON 4/22/22. 4/22/22 ENTERED AND COPIES E-MAILED.(mbh) (Entered: 04/22/2022)

04/22/2022		(Court only) ***Civil Case Terminated. (mbh) (Entered: 04/22/2022)
05/03/2022	<u>214</u>	Plaintiff's Reply to Defendants' Response and Motion to Dismiss Personal Injury/Civil Rights Action for Lack of Prosecution. (mbh) (Entered: 05/03/2022)



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA

JO ANN FONZONE,

Plaintiff,

v.

JOE OTERI, et al,

Defendants.

Case No. 5:12-cv-05726-JLS

Reading, Pennsylvania  
December 12, 2018  
2:05 p.m.

TRANSCRIPT OF CONFERENCE HEARING  
BEFORE THE HONORABLE JEFFREY L. SCHMEHL  
UNITED STATES DISTRICT COURT JUDGE

APPEARANCES:

For the Plaintiff:

Jo Ann Fonzone  
Pro Se  
a/k/a Judy McGrath

Coleen F. Middleton, Esquire  
(by phone)  
Law Offices of Coleen Middleton  
1229 Chestnut Street  
PMB 202  
Philadelphia, PA 19107

For the Defendants:  
(Kelechewisky, Ortiz,  
Bee, Kovac)

Aaron Shotland, Esquire  
City of Philadelphia Law Dept.  
1515 Arch Street, 14th Floor  
Philadelphia, PA 19102

Court Recorder:

Teri I. Lefkowitz

Transcription Service:

Chris Hwang  
Abba Reporting  
PO Box 223282  
Chantilly, Virginia 20153

Proceedings recorded by electronic sound recording;  
transcript produced by transcription service.

1 MS. FONZONE: Oh.

2 THE COURT: Court firm -- phones. Going to be on the  
3 record. 1-215-205 -- 1-215-205-1195. All right, do you need  
4 me to repeat it again?

5 THE CLERK: I have it.

6 (Dialing)

7 Hello, this is Judge Schmehl's clerk. We're in the  
8 courtroom. We're going to put you on speakerphone? Okay, hold  
9 on.

10 Okay, are you there?

11 MS. MIDDLETON: Hi, yes, good afternoon.

12 THE COURT: Good afternoon, this is Judge Jeffrey  
13 Schmehl, District Court Judge for the Eastern District of  
14 Pennsylvania. We are here today in the case of Jo Ann Fonzone  
15 versus at least four Philadelphia police officers.

16 It is case 5726 of 2012. This is simply just a case  
17 management pre-trial conference. Are you Colleen Middleton?

18 MS. MIDDLETON: Yes, Your Honor, I am.

19 THE COURT: And do you plan on representing the  
20 Plaintiff in this case?

21 MS. MIDDLETON: I do, Your Honor.

22 THE COURT: All right, that's all I needed to hear.  
23 I will continue this case for at least 30 days or more, but you  
24 are to enter your appearance as soon as possible and then we  
25 will have another conference.



1           Once you have entered your appearance, become  
2 familiar with the case, then you can come up here and meet with  
3 me and Defense counsel.

4           MS. MIDDLETON: I appreciate that, Your Honor. Thank  
5 you very much.

6           THE COURT: All right, is there anything else you  
7 would like to add today?

8           MS. MIDDLETON: Not at this time, Your Honor.

9           THE COURT: Is there anything else you would like to  
10 put on the record, Mr. Shotland?

11          MR. SHOTLAND: The only issue, as I understand that  
12 Your Honor would like to schedule trial, one of the Defendants,  
13 who's no longer a police officer, he's retired, living in  
14 either North Carolina or Florida.

15          I know he suffers from some medical issues. When he  
16 does testify in this case, he will need to testify -- he's not  
17 going to be able to come up and testify live. He's going to  
18 need to testify on video. I just wanted to make the Court  
19 aware.

20          THE COURT: All right, well, the Court will certainly  
21 accommodate him for that.

22          MS. FONZONE: I'd like to reply to that, Your Honor.

23          THE COURT: It's not unusual.

24          MS. FONZONE: I did request in my discovery medical  
25 records of that officer, I think that he's talking about,

1 Kelechewiscky, the one that seriously injured and caused me  
2 heart conditions. So I'd like to see those medical records of  
3 him -- of his.

4 THE COURT: All right.

5 MS. FONZONE: They have failed to comply with --

6 THE COURT: You don't need to see --

7 MS. FONZONE: -- any of my discovery --

8 THE COURT: You don't need to see --

9 MS. FONZONE: -- interrogatories.

10 THE COURT: -- medical records. You need a doctor's  
11 report saying he's unable to travel. That's all you need to  
12 see, all right?

13 Has his deposition ever been taken in this case?

14 MS. FONZONE: No, it's going to be, though.

15 MR. SHOTLAND: No, Your Honor.

16 THE COURT: Okay, well, I've got into this case late,  
17 so if your attorney needs another continuance, you know, she  
18 can make the case for it, but I'm not sure when I got this  
19 case, but it's pretty much been sitting around since I got it.  
20 And you know, I want to make some steps towards resolving it,  
21 either one way or another.

22 MS. FONZONE: And the lead Defendant --

23 THE COURT: Towards a settlement or a trial.

24 MS. FONZONE: -- the lead Defendant Joseph Oteri is  
25 in this case, Your Honor.



1 THE COURT: He's not in this case.

2 MS. FONZONE: Yes, he is.

3 THE COURT: Well, it says terminated, June --

4 MS. FONZONE: The operative complaint is July 7th --

5 THE COURT: All right.

6 MS. FONZONE: -- according to Judge Davis.

7 THE COURT: We will review that. We're not going to  
8 argue that now.

9 Ms. Middleton, are you still there?

10 MS. MIDDLETON: I am, Your Honor, and we'll take  
11 steps to get this moving.

12 THE COURT: Okay. Okay, and I will give you all the  
13 reasonable time you need if you enter your appearance.

14 MS. MIDDLETON: I appreciate that very much, Your  
15 Honor.

16 THE COURT: All right, with that being said, I think  
17 we're done for today. We're going to let Ms. Middleton enter  
18 her appearance, and review the file, and file whatever motions  
19 or requests she thinks is appropriate under the circumstances.

20 And then the Court will deal with it, just like it  
21 deals with any other case. So I will set up some sort of  
22 hearing like this in the future and we can discuss the  
23 management of the case at that time.

24 And I intend to schedule a full case management order  
25 at that time, letting in end of depositions and end of motions,

CERTIFICATE OF SERVICE

I, Jo Ann Fonzone, Esquire hereby certify that I have on this day caused to be served a copy of Plaintiff's Motion to Vacate ,Order, Reconsider and Reopen civil rights Personal Injury Action , (Plaintiff was not served until May 31, 2022 in the clerk's office), on the parties listed below :as per Judge Davis Order , operative complaint July 7, 2015. Docket #51.

City Of Philadelphia law dept. Supervisor (Representing police, Evans, Riverside facility, officer fisher, bench warrant unit)  
1515 Arch St.  
14<sup>th</sup> floor  
Philadelphia, Pa 19104

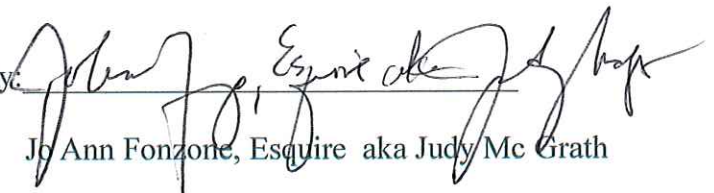
Fox Rothchild law office  
Michael eidel  
2700 kelly road  
Warrington, Pa

Phillies organization management  
One citizen bank way  
Philaelphia, Pa 19148

District Attorneys office  
3 penn Square  
Phila. , pa 19107

Defenders Assocs  
1441 Sansum St.  
Phila. Pa 19107

James Binns  
1125 Walnut St.  
Phila., Pa 19107

By:   
Jo Ann Fonzone, Esquire aka Judy Mc Grath